

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

In the Matter of:

ORDER R5-2020-0543

**CITY OF MOUNT SHASTA**

**SANITARY SEWER SYSTEM AND  
WASTEWATER TREATMENT PLANT  
SISKIYOU COUNTY**

**SETTLEMENT AGREEMENT  
AND  
STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL  
LIABILITY  
ORDER**

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**I. Introduction**

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and City of Mount Shasta (City or Discharger)(collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60.

**II. Allegations: Sanitary Sewer Overflows**

2. The City owns and operates a sanitary sewer collection system serving the City of Mount Shasta that is greater than one mile in length. The City's sanitary sewer system consists of approximately 165,000 lineal feet of sewer lines. When the City's sanitary sewer system overflows, discharges to a Waters of the United States may occur.
3. The *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, State Board Order No. 2006-0003, as revised by WQ-2013-0058-EXEC, (Statewide General Order) regulates the Discharger's sanitary sewer system. The Statewide General Order requires the City to operate and maintain its collection system to prevent sanitary sewer overflows and spills. Prohibition C.1 of the Statewide General Order states that the discharge of untreated or partially treated wastewater from the collection system to waters of the United States is prohibited.
4. Section 301 of the Clean Water Act (33 U.S.C. § 1311) and Water Code section 13376 prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Statewide General Order is not a NPDES permit.
5. Since 27 October 2014, the City has discharged untreated domestic and municipal wastewater from its collection system to surface waters 15 times.

6. The City violated Prohibition C.1 of the Statewide General Order, Section 301 of the Clean Water Act, and Water Code section 13376 during each of those 15 discharge events by discharging a total of 2,788,310 gallons of untreated sewage to a water of the United States during the period of 27 October 2014 to 1 January 2018.
7. The Central Valley Water Board has issued several Notices of Violation (NOV) to the City regarding its sanitary sewer overflows. NOVs identifying violations of the Statewide General Order were sent to the City on 11 December 2014, 14 January 2015, 20 October 2015, 2 February 2017, 13 April 2017, and 1 January 2018.
8. The details of these violations, including the factors required to be considered by Water Code section 13327, and as agreed to by the Parties, are set forth in full in the accompanying Attachment A, which is incorporated herein by this reference as if set forth in full.

### **III. Allegations: Mandatory Minimum Penalties**

9. The Discharger owns and operates the Mount Shasta Wastewater Treatment Plant.
10. On 4 October 2012, the Central Valley Water Board issued NPDES permit Order R5-2012-0086, which became effective on 23 November 2012 and regulates the City's wastewater treatment plant. Treated wastewater is discharged from Discharge Point D-001 to the Sacramento River, a water of the United States. The Discharger is subject to effluent limitations measured at monitoring location EFF-001 contained in its NPDES permit when discharging at Discharge Point D-001.
11. On 4 October 2012, the Central Valley Water Board also adopted Time Schedule Order (TSO) R5-2012-0087. The TSO became effective on that date and provided a compliance time schedule table with interim effluent limitations for ammonia, copper, and zinc until 1 June 2017.
12. On 7 April 2017, the Central Valley Water Board amended TSO R5-2012-0087 and adopted TSO R5-2012-0087-01. TSO R5-2012-0087-01 extended the compliance time schedule table and interim effluent limitations contained in TSO R5-2012-0087 for copper and zinc until 4 October 2017 and extended the compliance time schedule and recalculated interim effluent limitations for ammonia until 27 May 2020.
13. On 8 December 2017, the Central Valley Water Board adopted NPDES permit Order R5-2017-0117, which became effective on 1 February 2018.
14. As described in Attachment B, since 28 February 2017, the City has violated its effluent limitations contained in Order R5-2017-0117 for biological oxygen demand, copper, zinc, and total suspended solids.

15. Together, these exceedances of effluent limitations, are subject to mandatory minimum penalties pursuant to Water Code section 13385. Water Code section 13385 subdivision (h)(1) requires that a mandatory minimum penalty of \$3,000 be assessed for each serious violation of an effluent limit. A serious violation is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirement by 40% or more for Group I pollutants and 20% or more for Group II pollutants. Order R5-2017-0117 specifies the effluent limitations that apply to the City.
16. Water Code section 13385 subdivision (i)(1) requires that a mandatory minimum penalty of \$3,000 be imposed for each non-serious violation. A non-serious violation is defined as whenever the discharger exceeds a waste discharge requirement effluent limitation four or more times in a six-month period, except that the first three violations are not counted.
17. Attachment B details the liability incurred by the City pursuant to Water Code section 13385 subdivisions (h) and (i) and is incorporated herein by this reference as if set forth in full

#### IV. Stipulations

The Parties stipulate to the following:

18. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. To resolve the violation by consent and without further administrative proceedings, the Parties have agreed to the imposition of an ACL in the amount of **one million three hundred thirty thousand one hundred ninety-seven dollars (\$1,333,197)**. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.
19. **Jurisdiction**: The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.
20. **Administrative Civil Liability**
  - a. The Discharger hereby agrees to the imposition of an ACL in the amount of **one million two hundred twenty-five thousand one hundred ninety-seven dollars (\$1,225,197)** to resolve the violations specifically alleged in Attachment A to this Order.

- b. The Discharger agrees to pay **one hundred sixty-six thousand nine hundred eighty-eight dollars (\$166,988)** to the *State Water Board's Cleanup and Abatement Account* and shall indicate this Order number on the check. The Discharger shall send the original check referencing this Order number to the following address:
    - i. Division of Administrative Services  
ATTN: Accounting, State Water Resources Control Board  
1001 I Street 18<sup>th</sup> Floor  
Sacramento, California 95814
  - c. A copy of the check described above shall be sent to the Prosecution Team contact listed in Paragraph 35.
  - d. The **one million fifty-eight thousand two-hundred and nine dollars (\$1,058,209)** in remaining discretionary liability shall be satisfied through the completion of an Enhanced Compliance Action (ECA) as described below.
  - e. The **one hundred eight thousand dollars (\$108,000)** in liability assessed pursuant to Water Code section 13385, subdivisions (h) and (i) shall be satisfied through a Compliance Project as described below.
21. **Representations and Agreements:** The Discharger understands that the completed ECA and Compliance Project are a material condition of this settlement of liability between the Discharger and the Central Valley Water Board Prosecution Team. As a material consideration for the Central Valley Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that it will complete the ECA as described herein and in Attachment C and the Compliance Project as described herein and in Attachment D.
22. **City's Financial Hardship Status:** The Enforcement Policy defines a community with a financial hardship as one that satisfies one of the following conditions: (1) the median household income for the community is less than 80 percent of the California median household income; (2) the community has an unemployment rate of 10 percent or greater; (3) twenty percent of the population is below the poverty level. The City qualifies as a small community with a financial hardship, as defined by the Enforcement Policy, and Water Code section 13385 subdivision (k), because the City has a population of 3,287 according to the 2018 census data, is located entirely within Siskiyou County which is a rural county, its median income is less than 80 percent of the California Median income and more than 20 percent of its population is below the poverty level.
23. **Enhanced Compliance Actions (ECAs) and Suspended Liability:** Enforcement Policy section IX. provides,
- b. "ECAs are projects that enable a discharger to make capital or operational improvements beyond those required by law, and are separate from projects designed to merely bring a discharger into compliance. The Water

Boards may approve a settlement with a discharger that includes suspension of a portion of the monetary liability of a discretionary ACL for completion of an ECA. Except as specifically provided [in the Enforcement Policy], any such settlement is subject to the rules that apply to Supplemental Environmental Projects [established in the State Water Board Policy on Supplemental Environmental Projects, effective May 3, 2018 (SEP Policy)].”

- c. The SEP Policy limits ECAs to 50 percent of the total administrative civil liability excluding the Prosecution Team investigative and enforcement costs. However, the Enforcement Policy states that “the 50 percent limit on ECAs shall not apply to economically disadvantaged communities with a financial hardship, the criteria for which is defined in Water Code Section 13385(k).”
24. The Prosecution Team has determined that the City’s ECA complies with the Enforcement and SEP Policies. As discussed above, the City is a small community with a financial hardship and therefore, the Prosecution Team has determined that it is appropriate to divert more than 50 percent of the total liability in this matter towards an ECA as allowed by the Enforcement Policy. The City proposes to implement the following ECA:
  - a. Downtown Collection System Improvement Project: The purpose of the Downtown Collection System Improvement Project is to prevent future SSOs at the downtown area and McCloud Avenue by upsizing and installing new sewer lines and new manholes. The ECA includes a new sewer line that crosses a railroad in the downtown area to bypass an area of sewer lines with historical capacity issues. The ECA will upsize the sewer line along McCloud Avenue to address long-term issues that were previously addressed by increased maintenance. The total cost of the Downtown Collection System Improvement Project is \$3,705,880 and it is described in additional detail in Attachment C. Of the total cost, **\$1,058,209** offsets the liability in this Order.
25. **ECA Completion Deadline:** The City shall comply with the following agreed upon ECA completion deadlines. Additionally, the City shall submit a Certificate of Completion, as described below, upon the completion of the ECA declaring such completion and detailing fund expenditures and goals achieved. The deadline for completion of the ECA and submission of the Final Report is one year after the date of the adoption of this Order.
26. **Request for Extension of Final ECA Completion Deadlines:** If the City cannot meet the ECA Completion Deadlines due to circumstances beyond the City’s anticipation or control, the City shall notify the Executive Officer in writing within thirty (30) days of the date the City first knew of the event or circumstance that caused or could have caused a violation of this Stipulated Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by

the City to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance with this Stipulated Order. The City shall adopt all reasonable measures to avoid and minimize such delays.

- d. The determination as to whether the circumstances were beyond the reasonable control of the City and its agents will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the City, due to circumstances beyond the control of the City that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the City, a new compliance deadline shall be established and provided to the City in writing with the effect of revising this Stipulated Order. The Executive Officer will endeavor to grant a reasonable extension of time, if warranted.

27. **Audits and Certification of Enhanced Compliance Action**: Within 30 days of completion of the ECA, the City shall submit a certified statement of completion of the ECA ("Certification of Completion"). The City's authorized representative shall submit the Certification of Completion under penalty of perjury to the designated Central Valley Water Board contact. The Certification of Completion shall include the following:
- a. **Certification of Expenditures**: Certification documenting all expenditures by the City. The expenditures may include external payments to outside vendors or contractors implementing the ECA. If applicable, the expenditures may include the costs of internal environmental management resources and internal business unit resources, provided that such expenditures are directly related to development and implementation of the ECA. In making such certification, the official may rely upon normal company and project tracking systems that captures employee time expenditures and external payments to outside vendors. The City shall provide any additional information requested by Central Valley Water Board staff that is reasonably necessary to verify ECA expenditures.
  - b. **Certification of Performance of Work**: Certification that the ECA has been completed in accordance with the terms of this Stipulated Order. Such documentation may include photographs, invoices, receipts, certifications, and other material reasonably necessary for the Central Valley Water Board to evaluate the completion of the ECA and the costs incurred by the City.
  - c. **Certification that Work Performed on ECA Met or Exceeded Requirements of CEQA and other Environmental Laws [where applicable]**: Certification that the ECA meets or exceeds the requirements of CEQA and/or other environmental laws. Unless the City is exempted from compliance with CEQA, the City shall, before the ECA implementation date, consult with other interested state agencies regarding potential impacts of the ECA.

28. **Failure to Expend All Suspended Administrative Civil Liability Funds on the Approved ECAs:** In the event that the City is not able to demonstrate to the reasonable satisfaction of the designated Central Valley Water Board contact that the entire ECA amounts pursuant to Paragraph 6 have been spent for the completed ECA, the City shall pay as an administrative civil liability the difference between the ECA amounts and the amounts the City can demonstrate were actually spent on the ECA.
29. **Failure to Complete the ECA:** If the ECA is not fully implemented by the Paragraph 7 *ECA Completion Deadlines* required by this Stipulated Order and an extension has not been granted by the Central Valley Water Board's Executive Officer pursuant to Paragraph 8 above, the designated Central Valley Water Board contact shall issue a Notice of Violation. As a consequence, the City shall be liable to pay the entire Suspended Liability to the *State Water Pollution Cleanup and Abatement Account*.
30. **Compliance Project:** As a material consideration for the Central Valley Water Board's acceptance of this Order, the Discharger will implement a Compliance Project to offset \$108,000 in liability associated with Water Code sections 13385 subdivision (h) and (i). The Prosecution Team has determined that the Compliance Project meets the requirements of the Enforcement Policy, SEP Policy, and Water Code section 13385, subdivision (k)(1):
  - a. The City agrees to implement the following Compliance Project: Design and Planning Phase for Wastewater Treatment Plant (WWTP) Improvement Project (Compliance Project). This Compliance Project includes a Preliminary Engineering Report and Feasibility Study to determine the most effective method of complying with effluent limitations, and the City expended a total of \$263,551. The Compliance Project was initiated by the City in order to address non-compliance identified by the Central Valley Water Board in previous Administrative Civil Liability Complaints R5-2013-0549 and 2012-0538, which identified exceedances of effluent limitations including copper and zinc, in addition to 3 Notices of Violation which were received before the Compliance Project began in 2013.
  - b. The Compliance Project is designed to correct the violations identified in Attachment B within five years because the City will complete needed repairs and upgrades to the WWTP within five years of the adoption of this Order. The Design and Feasibility Phase of this project has already been completed and the City is preparing to move onto the Construction Phase of the WWTP Improvement Project.
  - c. The Compliance Project is in accordance with the Enforcement Policy:
    - i. The Central Valley Water Board will not authorize additional compliance projects for the project completed as described in the attached, except under unusual circumstances.

- ii. The Discharger agrees that the Central Valley Water Board has the right to require a third-party audit of the funds expended by it to implement the Compliance Project; and,
  - iii. The Discharger shall permit inspection of the Compliance Project by the Central Valley Water Board staff during normal business hours, at any location where the Compliance Project is being implemented, as well as review of any documents associated with implementation of the Compliance Project, at any time without notice.
31. **Third Party Financial Audit of Compliance Project:** At the written request of the Central Valley Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party acceptable to the Central Valley Water Board providing a professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to the Central Valley Water Board within six (6) months of notice from the Central Valley Water Board to the Discharger of the need for an independent third-party audit. The Audit need not address any costs incurred by the Central Valley Water Board for oversight.
32. **Publicity:** Whenever the City or its agents or subcontractors publicize the ECA or Compliance Project, they shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action by the Central Valley Water Board against the City.
33. **Site Inspections:** The City shall permit Central Valley Water Board's staff to inspect during normal business hours any location where the ECA or Compliance Project is being implemented as well as review any documents associated with implementation of the ECA or Compliance Project at any time without notice.
34. **Compliance with Applicable Laws:** The City understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

35. **Party Contacts for Communications Related to Stipulated Order:**

For the Central Valley Water Board:

Jeremy Pagan  
Central Valley Water Board  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002  
(530) 224-4850  
[Jeremy.Pagan@waterboards.ca.gov](mailto:Jeremy.Pagan@waterboards.ca.gov)

For the Discharger:

Bruce Pope  
205 N. Mt. Shasta Boulevard  
Mt. Shasta, CA 96067  
[bpope@mtshastaca.gov](mailto:bpope@mtshastaca.gov)

36. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
37. **Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
38. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
39. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including

without limitation, the issuance of ACL complaints or orders for violations other than those addressed by this Order.

40. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
41. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
42. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.
43. **Integration:** This Stipulated Order, including attachments, constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.
44. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess an ACL for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:
  45. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties settlement positions, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or
  46. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.

47. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board.
48. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
49. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, the Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or cause of action, which arise out of or are related to this action.
50. **Water Boards Not Liable:** Neither the Central Valley Water Board members, nor the Central Valley Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or its respective directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order, nor shall the Central Valley Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order.
51. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
52. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
53. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
54. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.

55. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.
56. **Counterpart Signatures:** This Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

**IT IS SO STIPULATED.**

California Regional Water Quality Control Board Prosecution Team  
Central Valley Region

By: **Original Signed By**  
Clint E. Snyder, P.G.  
Assistant Executive Officer

**7/2/2020**  
Date

City of Mount Shasta

By: **Original Signed By**  
Bruce Pope, City Manager

**6/26/2020**  
Date

**HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:**

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.

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Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

Attachment A: Penalty Methodology

Attachment B: Mandatory Minimum Penalties

Attachment C: Enhanced Compliance Action Project Proposal

Attachment D: Compliance Project Proposal

**Attachment A to Stipulated Agreement R5-2020-0543**  
**Penalty Calculation Factors**  
**City of Mount Shasta, Mount Shasta Sanitary Sewer Collection System,**  
**Siskiyou County**

This document provides details to support recommendations for enforcement in response to City of Mt. Shasta's (Discharger or City) sanitary sewer overflows (SSOs). The Central Valley Regional Water Quality Control Board (Central Valley Water Board) Prosecution Team derived the proposed administrative civil liability following the State Water Resources Control Board's (State Water Board) applicable Water Quality Enforcement Policy (Enforcement Policy). The proposed civil liability takes into account such factors as the Discharger's culpability, cooperation in returning to compliance, ability to pay the proposed liability, and other factors as justice may require.

**Application of State Water Board's Enforcement Policy**

On 17 November 2009, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (2010 Enforcement Policy). The Office of Administrative Law approved the 2010 Enforcement Policy and it became effective on 20 May 2010. The 2010 Enforcement Policy establishes a methodology for assessing administrative civil liability for violations of the California Water Code (Water Code) and Federal Water Pollution Control Act (Clean Water Act). Use of the methodology incorporates Water Code sections 13327 and 13385 that require the Central Valley Water Board to consider specific factors when determining the amount of civil liability to impose, including "...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require."

The 2010 Enforcement Policy was amended, and the 2017 Enforcement Policy became effective 5 October 2017. Both the 2010 Enforcement Policy and the 2017 Enforcement Policy are used to calculate penalties for violations that occurred when each policy was effective. Additional information on both the 2010 and 2017 Enforcement Policies, including links to both policies and the penalty calculation methodology worksheet are available on the [State Water Board's public website](#).

Violations occurring on or after 5 October 2017, the effective date of the 2017 Enforcement Policy, are considered under the 2017 Enforcement Policy. Violations that occurred prior to 5 October 2017 are considered under the 2010 Enforcement Policy. The SSOs included in this penalty calculation occurred between 27 October 2014 and 1 January 2018.

## **Regulatory Basis for Alleged Violations and Proposed Liability**

The Discharger is required to comply with the State Water Board's Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, including the revised Monitoring and Reporting Program, Order No. WQ-2013-0058-EXEC (Statewide General Order) because it is a municipality that owns or operates a sanitary sewer collection system greater than one mile in length. The Discharger has been enrolled in the Statewide General Order since 2006. Prohibition C.1. of the Statewide General Order provides "[a]ny SSO [sanitary sewer overflow] that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited."

On 15 separate occasions since 27 October 2014, the City discharged untreated domestic and municipal wastewater from its collection system to surface water. The Prosecution Team alleges that the Discharger violated Prohibition C.1 of the Statewide General Order and section 301 of the Clean Water Act by discharging untreated domestic and municipal wastewater to surface water without a National Pollutant Discharge Elimination System (NPDES) permit between the dates of 27 October 2014 and 1 January 2018.

Pursuant to Water Code section 13385, subdivision (a), a discharger who violates section 301 of the Clean Water Act is subject to administrative civil liability pursuant to Water Code section 13385, subdivision (c), in an amount not to exceed the sum of \$10,000 per day of violation and \$10 per gallon of waste discharged over 1,000 gallons but not cleaned up.

## **Penalty Calculation Methodology Procedural Steps**

Both the 2010 and 2017 Enforcement Policies establish a methodology for determining administrative civil liability by addressing the factors that are required to be considered under Water Code section 13385(e). Each factor of the nine-step approach is discussed below, as is the basis for assessing the corresponding score. Steps 1 through 5 are discussed for each violation and then followed by steps 6 through 9 for all violations.

<p><b>VIOLATION 1: CATEGORY 1 SSO OCCURRING BETWEEN 2 JANUARY 2017 AND 12 JANUARY 2017</b></p>
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Though each of the 15 SSOs constitute separate violations of the Statewide General Order and the Clean Water Act, for purposes of determining administrative civil liability, the SSOs are analyzed as four different violations. Violation 1 contains a narrative explanation of how the factors were chosen and the remaining violations contain summary tables. On 11 January 2017, the Discharger notified Central Valley Water Board staff of a sanitary sewer overflow of raw sewage into Cold Creek, a tributary to the Sacramento River, and a Water of the United States. On 3 January 2017, City staff

identified the wastewater treatment plant (WWTP) showed influent flows lower than expected, starting on 2 January 2017. After verifying the influent flowmeter to the WWTP was working correctly, City staff began conducting manhole surveys throughout the collection system to identify the location of a possible spill or overflow. The location of the spill was identified on 11 January 2017.

The cause of the spill was severe erosion to the bank of Cold Creek that caused a tree to fall onto a suspended sewer pipe crossing Cold Creek. As a result, the sewer pipe was sheared off on both the upstream and downstream side of the pipe crossing, causing sewage to discharge directly into Cold Creek. Since untreated wastewater reached a surface water, this spill was categorized as a category 1 SSO.

Upon locating the spill, the Discharger contacted a contractor to obtain temporary pumping equipment to bypass flows around the damaged section of pipe. Measures to bypass 100% of the flow were completed at 1245 on 12 January 2017. The pipe crossing was repaired 17 January 2017 and the temporary bypass pumping was removed.

The Discharger collected water samples from 12 January 2017 to 3 February 2017 at one upstream and four downstream locations to determine the impact of the SSO. The samples were analyzed for ammonia, total coliform, and fecal coliform. Sampling was discontinued when Central Valley Water Board staff and Siskiyou County (County) officials determined there were no longer any human health risks.

The Discharger submitted a technical report to Central Valley Water Board staff on 16 February 2017 describing the spill, the City's response, spill volume estimation, sampling results, and public notification. The Discharger estimates that 2,690,000 gallons of diluted wastewater were discharged between 2 January 2017 and 12 January 2017. The Discharger states that 1,340,000 gallons of the total spill volume was undiluted wastewater (i.e., less inflow and infiltration from rain events).

### **Step 1 – Potential for Harm for Discharge Violations**

The "potential harm to beneficial uses" factor considers the harm that may result from exposure to the pollutants in the illegal discharge, while evaluating the nature, circumstances, extent, and gravity of the violation(s). A three-factor scoring system is used for each violation or group of violations: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) whether the discharge is susceptible to cleanup or abatement.

#### **Factor 1: Harm or Potential Harm to Beneficial Uses.**

A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm to beneficial uses ranges from negligible (0) to major (5). During the 2-12 January 2017 incident, raw sewage was discharged to Cold Creek, a tributary to the Sacramento River, and a Water of the United States. The designated beneficial uses of the Sacramento River from its source to Box Canyon Reservoir that could be

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impacted by the unauthorized discharge include irrigation supply, stock watering, contact and non-contact recreation, cold freshwater habitat, and wildlife habitat.

Raw sewage, containing pathogens, nitrogen, ammonia, and biological oxygen demand impacts cold freshwater habitat and wildlife habitat because fish are highly sensitive to even small concentrations of ammonia. In addition, raw sewage, adversely impacts contact and non-contact recreation because it contains pathogens which adversely effect human health.

On 12 January 2017, the day the discharge was stopped, the Discharger began collecting water samples upstream and downstream of the spill. Results of the 12 January 2017 sample are shown in the table below. Additional data was collected at further downstream locations and is included in the Discharger's 16 February 2017 technical report. Based on the analytical results, the spill influenced the water quality at downstream locations. Later sample results indicate that the downstream conditions improved shortly after the spill stopped, as heavy flows in Cold Creek washed out the raw wastewater.

**Table 1 - Sample Results from 12 January 2017**

Constituent	Upstream	Downstream #1	Downstream #2
Total coliform organisms, MPN/100 mL	800	160,000	30,000
Fecal coliform organisms, MPN/100 mL	500	160,000	11,000
Ammonia -N, mg/L	0	0.64	0.14

Based on the analytical data provided by the Discharger, the spill resulted in at least a moderate potential harm to beneficial uses. "Moderate" is defined as "impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects." Therefore, a score of **3**, moderate, is assigned for this factor.

Factor 2: The Physical, Chemical, Biological or Thermal Characteristics of the Discharge.

A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material. "Potential receptors" are those identified considering human, environmental, and ecosystem exposure pathways. In this case, the sanitary sewer overflow was raw sewage, and as such is known to contain highly elevated concentrations of coliform organisms, biochemical oxygen demand, and ammonia.

Raw sewage spilled directly to Cold Creek. Discharges of sewage to surface water must typically be treated to a high standard to prevent adverse impacts to aquatic life. Toxicity is the degree to which a substance can damage a living or non-living organism. Toxicity can refer to the effect on a whole organism, such as an animal, bacterium, or

plant, as well as the effect on a substructure of the organism, such as a cell or an organ. In this case, the discharge consisted of raw sewage, which contains pathogens, nitrogen, ammonia, and biological oxygen demand. Fish are highly sensitive to even small concentrations of ammonia.

Elevated levels of these constituents can lead to low dissolved oxygen in the receiving water, impacts to aquatic life, and impacts to human health. Because the discharged material possesses “an above-moderate risk or a direct threat to potential receptors,” a score of **3** was assigned for this factor.

### Factor 3: Susceptibility to Cleanup or Abatement.

A score of 0 is assigned for this factor if 50% or more of the discharge is susceptible to cleanup or abatement. A score of 1 is assigned if less than 50% of the discharge is susceptible to cleanup or abatement. This factor is evaluated regardless of whether the discharge was actually cleaned up or abated by the discharger. In this case, the Discharger did not clean or abate any of the sewage discharged to Cold Creek. Therefore, a score of **1** was assigned to this factor.

### Final Score – “Potential for Harm”

The scores of the three factors are added to provide a Potential for Harm score for each violation or group of violations. In this case, a **final score of 7** was calculated. The total score is then used in Step 2, below.

## **Step 2 – Assessment for Discharge Violations**

This step addresses administrative civil liabilities for the spill based on both a per-gallon and a per-day basis.

### 1. Per Gallon Assessment for Discharge Violation

When there is a discharge, the Central Valley Water Board is to determine an initial liability amount on a per gallon basis using the Potential for Harm score and the Extent of Deviation from Requirement of the violation.

The Potential for Harm Score was determined in Step 1, and is 7. In this case, the Central Valley Water Board finds the Extent of Deviation from Requirement is “major.” The Statewide General Order prohibits any SSO that results in a discharge of raw sewage to waters of the United States. Table 1 of the 2010 Enforcement Policy (p. 14) is used to determine a “per gallon factor” based on the total score from Step 1 and the level of Deviation from Requirement. For this particular case, the factor is 0.31. This value of 0.31 is multiplied by the volume of discharge and the days of discharge, as described below.

The 2010 Enforcement Policy allows for a reduction from the maximum penalty amount of \$10 per gallon when the discharge is considered high volume. The 2-12 January 2017 spill incident discussed in this violation was 2,690,000 gallons and is considered “high volume” based on the total gallons discharged. Through the course of settlement

negotiations, the Parties have determined that a reduction to \$1 per gallon is appropriate in this matter for violations 1 through 4. Combined, the City discharged a total of 2,788,310 to waters of the United States as alleged herein. Therefore, the Parties agreed that the overall liability due to the high volume discharged, was inappropriate given the circumstances absent a reduction to the per gallon penalty. Specifically, the Prosecution Team acknowledges that the City is a small community with a financial hardship and that significant upgrades, as discussed in the Stipulated Order, are ongoing to upgrade the City's sanitary sewer collection system and wastewater treatment plant. These upgrades will bring the City's facilities into compliance with state requirements and will prevent future discharges to surface waters from the City. In light of these equitable considerations, a per gallon penalty of \$1 is applied to all violation alleged herein.

Water Code section 13385(c)(2) states that the civil liability amount is to be based on the number of gallons discharged but not cleaned up, over 1,000 gallons for each spill event. Of the 2,690,000 gallons spilled, a total of 2,689,000 gallons were discharged in excess of 1,000 gallons into waters of the United States.

The Per Gallon Assessment is as follows:  
 0.31 factor from Table 1 x 2,689,000 gallons x \$1 per gallon = \$833,590

When there is a discharge, the Central Valley Water Board is to determine an initial liability amount on a per day basis using the same Potential for Harm and the Extent of Deviation from Requirement that were used in the per-gallon analysis. The "per day" factor (determined from Table 2 of the 2010 Enforcement Policy) is 0.31. The spill event took place over 11 days, commencing on 2 January 2017 and stopping on 12 January 2017 at 1245 hours. The liability is calculated as the per day factor multiplied by the number of days multiplied by the statutory maximum per day (\$10,000).

The Per Day Assessment is as follows:  
 0.31 factor from Table 2 x 11 days x \$10,000 per day = \$34,100

**Initial Liability Amount:** The value is determined by adding together the per gallon assessment and the per day assessment. For this case, the total is \$ 833,590+ \$34,100 for a total initial liability amount of \$ 867,690 .

**Step 3 – Per Day Assessment for Non-Discharge Violation**

The 2010 Enforcement Policy states that the Board shall calculate an initial liability for each non-discharge violation. In this case, this factor does not apply because this

violation is related to the discharge of raw sewage water, and the liability was determined in Step 2.

#### **Step 4 – Adjustment Factors**

There are three additional factors to be considered for modification of the amount of initial liability: the violator's culpability, efforts to clean-up or cooperate with regulatory authority, and the violator's compliance history. After each of these factors is considered for the violations involved, the applicable factor should be multiplied by the proposed amount for each violation to determine the revised amount for that violation.

##### Culpability

Higher liabilities should result from intentional or negligent violations as opposed to accidental violations. A multiplier between 0.5 and 1.5 is to be used, with a higher multiplier for negligent behavior. The 2-12 January 2017 discharge event resulted from erosion caused from sustained rain and the City's negligence in assessing potential threats to the pipeline crossing Cold Creek before the winter weather. In addition, the source of the discharge was not identified until 10 days after the spill likely started. If the Discharger had conducted routine inspections to identify potential threats to the pipeline crossing, the spill may have been avoided. In addition, if the Discharger began searching for a leak soon after flows to the WWTP were confirmed as lower than normal, especially considering the flows should have been higher due to inflow and infiltration, the spill location would have been identified earlier and resulted in significantly less volume spilled.

Therefore, a multiplier value of **1.2** is appropriate.

##### Cleanup and Cooperation

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier when there is a lack of cooperation.

Once the leak was identified, after 10 days of continuous discharge, the Discharger cooperated by taking action and contacting the Central Valley Water Board to visit the site and help assess the situation. Receiving water samples were collected, the appropriate County officials were identified, and public notices were posted. The Discharger completed a temporary bypass to stop the spill the next day and repairs were completed to the best of the Dischargers' capabilities by 17 January 2017. The total cost for bypass pumping, repairs, engineering, and sampling was in excess of \$68,000, which represents a significant cost to a small, disadvantaged community. The Discharger responded to the spill in the manner that was expected and reasonable.

Therefore, a multiplier value of **1.0** is appropriate.

### History of Violations

When there is a history of repeat violations, the 2010 Enforcement Policy requires a minimum multiplier of 1.1 to be used. The Discharger has been assessed mandatory minimum penalties (MMPs) for violations of its effluent limitations as recently as 2016. Therefore, the Discharger has a history of violations and a multiplier value of **1.1** is appropriate.

### **Step 5 - Determination of Total Base Liability Amount**

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

**Total Base Liability Amount:** This value is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 2.

<p><b>Total Base Liability Amount, Violation 1</b></p> <p><math>\\$867,690 \times 1.2 \times 1.0 \times 1.1 = \\$1,145,350</math>          Total Base Liability Amount, Violation 1 = \$1,145,350</p>
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Steps 1-5 of the 2010 Enforcement Policy methodology are summarized in the following tables for Violation 1.

**Table 2 – Summary of Steps 1-5 for Violation 1**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Harm or potential for harm to beneficial uses	3	The untreated sewage entered Cold Creek, a tributary to the Sacramento River, which has identified beneficial uses including wildlife habitat and contact and non-contact recreation.
Physical, chemical, biological, or thermal characteristics of the discharge	3	Untreated sewage contains elevated concentrations of coliform organisms and other substances which are known to cause disease to humans and harm to aquatic life. Because the discharged material possessed “an above moderate risk or a direct threat to potential receptors”, a score of 3 was assigned for this factor.
Susceptibility to cleanup or abatement	1	None of the discharged raw sewage was recovered.
Per gallon and per day factor for	0.31	The “Deviation from Requirement” is “major” because the Statewide General Order prohibits

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<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
discharge violations		any SSO that results in a discharge of raw sewage to waters of the United States.
Volume discharged minus 1,000 gallons per event	2,689,000 gallons	According to the Discharger, 2,690,000 gallons were discharged to surface water and not recovered. The total volume, minus 1,000 gallons per event, is used in the calculation.
Per gallon rate	Yes, \$1/gallon	For large volume spills, the 2010 Enforcement Policy allows a reduction from the statutory maximum of \$10/gallon. The Parties have stipulated to \$1/gallon.
Per gallon penalty	\$833,590	The liability is calculated as per day factor multiplied by the number of gallons multiplied by \$1/gallon.
Days of discharge	11 days	Untreated sewage was discharged to Cold Creek between 2 January 2017 and 12 January 2017.
Per day penalty	\$34,100	The liability is calculated as per day factor multiplied by the number of days multiplied by the statutory maximum per day (\$10,000).
<b>Initial Liability for Violation #1</b>	<b>\$867,690</b>	Sum of the per-gallon and per-day penalties.

**Table 3 - Adjustments for Discharger Conduct for Violation 1**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Culpability	1.2	The 2-12 January 2017 spill event resulted from erosion caused from sustained rain and negligence in assessing potential threats to the pipeline crossing Cold Creek before the winter weather and was not identified until 10 days after the spill likely started. If the Discharger had conducted routine inspections to identify potential threats to the pipeline crossing, the spill may have been avoided. In addition, if the Discharger began searching for a leak soon after flows to the WWTP were confirmed as lower than normal, especially considering the flows should have been higher due to inflow and infiltration, the spill location would have been identified earlier and resulted in significantly less volume spilled. These considerations serve to

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PENALTY FACTOR	VALUE	DISCUSSION
		increase the culpability factor above a neutral multiplier.
Cleanup and Cooperation	1.0	The Discharger appears to have adequately responded to the spill event once discovered. The Discharger was not able to recover the sanitary sewer spill, since it had already flowed into the creek.
History of Violations	1.1	The Discharger has a history of violations for which the Central Valley Water Board has taken enforcement. Therefore, a 1.1 is assigned.
<b>Total Base Liability for Violation #1</b>	<b>\$1,145,350</b>	The base liability is calculated as the initial liability multiplied by each of the above three factors.

**VIOLATION 2: CATEGORY 1 SSO OCCURRING 8 JANUARY 2017**

At approximately 0820 on 8 January 2017, the Discharger received a call from a citizen that the sewer was overflowing from a manhole at the intersection of Alma Street and North Mt. Shasta Boulevard. City staff arrived on site at 0835 and confirmed the spill to be a category 1 SSO since the spill entered a storm drain approximately 20 feet away. Since there were recent storm events, the storm drain conveyed the spill to surface water that eventually joins a tributary to the Sacramento River.

The cause of the spill was insufficient capacity in the sewer line due to heavy inflow and infiltration from recent storm events and heavy gravel, debris, and areas of root intrusion in the sewer line segment.

Upon confirming the spill, the Discharger contacted a contractor to obtain temporary pumping equipment to bypass flows around the sewer line segment that restricted flow. Measures to bypass 100% of the flow were completed at 1745 the same day. The sewer main was flushed and inspected and one of the manholes that was bypassed by temporary pumping was inspected and cleaned. Two areas of the sewer line with root intrusion were repaired.

The Discharger collected water samples from 9 January 2017 to 13 January 2017 at one upstream and two downstream locations to determine any impact of the SSO. The samples were analyzed for ammonia, total coliform, and fecal coliform. Sampling was discontinued when Central Valley Water Board staff and County officials determined there were no longer any human health risks.

The Discharger submitted a technical report on 25 January 2017 describing the discharge, the City's response, spill volume estimation, sampling results, and public notification. The Discharger estimated that 88,030 gallons of wastewater were discharged to Waters of the United States on 8 January 2017.

### **Summary of steps 1-5 for Violation 2**

The following tables summarize the values assigned to penalty factors included in steps 1-5 of the Enforcement Policy methodology for Violation 2.

**Table 4 – Summary of Steps 1-5 for Violation 2**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Harm or potential for harm to beneficial uses	3	The untreated sewage entered a storm drain that eventually joins a tributary to the Sacramento River. Beneficial uses for the relevant portion of the Sacramento River are discussed in Violation 1.
Physical, chemical, biological, or thermal characteristics of the discharge	3	A score of 3 was assigned for this factor for the same reasons as discussed in Violation 1.
Susceptibility to cleanup or abatement	1	None of the spill was recovered. Therefore, a score of 1 is assigned for this factor.
Per gallon and per day factor for discharge violations	0.31	The "Deviation from Requirement" is "major" for the same reasons as discussed in Violation 1.
Volume discharged minus 1,000 gallons per event	87,030 gallons	According to the Discharger, 88,030 gallons were discharged to surface water and not recovered. The total volume, minus 1,000 gallons per event, is used in the calculation.
Per gallon rate	Yes, \$1/gallon	For large volume spills, the 2010 Enforcement Policy allows a reduction from the statutory maximum of \$10/gallon. The Parties have stipulated to \$1/gallon.
Per gallon penalty	\$26,979	The liability is calculated as per day factor multiplied by the number of gallons multiplied by \$1/gallon.
Days of discharge	1 day	Untreated sewage was discharged to a storm drain on 8 January 2017.

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<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Per day penalty	\$3,100	The liability is calculated as per day factor multiplied by the number of days multiplied by the statutory maximum per day (\$10,000).
<b>Initial Liability for Violation #2</b>	<b>\$30,079</b>	Sum of the per-gallon and per-day penalties.

**Table 5 - Adjustments for Discharger Conduct for Violation 2**

Culpability	1.0	The 8 January 2017 spill event resulted from insufficient capacity caused by recent storm events and blockages in the sewer line. Heavy rainfall occurred near the spill area site that contributed to the insufficient capacity. In addition, the City identified this section of the collection system as a known bottleneck and previously completed design in anticipation for replacing this section of pipe when construction funds are available. However, blockages in the sewer line, including root intrusion, were present and could have been repaired before anticipated rainfall to prevent this SSO. Therefore, a neutral multiplier is appropriate.
Cleanup and Cooperation	1.0	The Discharger appears to have adequately responded to the spill event once discovered. The Discharger was not able to recover the sanitary sewer spill, since it had already flowed into the storm drain.
History of Violations	1.1	The Discharger has a history of violations for which the Central Valley Water Board has taken enforcement. Therefore, a 1.1 is assigned.
<b>Total Base Liability for Violation #2</b>	<b>\$33,087</b>	The base liability is calculated as the initial liability multiplied by each of the above three factors.

**VIOLATION 3: REMAINING CATEGORY 1 SPILLS OCCURRING FROM 27 OCTOBER 2014 TO 26 APRIL 2017**

The Statewide General Order requires the Discharger to properly manage, operate, and maintain its sanitary sewer system and ensure the system operators are adequately trained and possess adequate knowledge, skills, and abilities (Provision D.8). Between

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27 October 2014 and 26 March 2017, the Discharger has attributed multiple category 1 SSOs to root intrusion, presence of debris, and capacity issues in its sanitary sewer collection system. As listed in the table below, a total of 12 spills occurred over 12 days, with a total volume discharged of 9,380 gallons discharged to surface water that eventually joins a tributary to the Sacramento River. Because each incident resulted from similar causes, they will be considered together instead of individually under this violation category. (Note that the SSOs starting on 2 January 2017 and 8 January 2017 are not included as part of this violation. In addition, the SSO that started 1 January 2018 is included in Violation 4).

**Table 6 - Remaining Category 1 Spills Occurring from  
 27 October 2014 to 26 April 2017**

Spill Start Date	Days	SSO Location	Gallons Discharged in SSO	Gallons Recovered	Gallons Discharged to Surface Water	Gallons Discharged to Surface Water, Minus 1,000 Gallons	Cause of Spill
10/27/14	1	McCloud and North B St	750	125	625	0	Debris-General
12/11/14	1	McCloud and Alma	1,700	300	1,400	400	Rainfall exceeded design
1/13/15	1	South A / Gaudenzio	100	50	50	0	Root intrusion
8/16/15	1	Merritt and South B St	250	50	200	0	Debris-General
10/14/15	1	McCloud and Washington	950	200	750	0	Root intrusion
4/5/16	1	North A St & Orem	10	0	10	0	Debris-General
4/9/16	1	McCloud Ave.	50	0	50	0	Debris-General
11/20/16	1	413 McCloud Ave	600	0	600	0	Debris-General
2/9/17	1	Alma St. Manhole # 425	4,500	0	4,500	3,500	Rainfall exceeded design
2/27/17	1	310 Old McCloud Ave	540	60	480	0	Debris-General
3/17/17	1	Everitt Memorial and Rockfellow	285	20	265	0	Root intrusion

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Spill Start Date	Days	SSO Location	Gallons Discharged in SSO	Gallons Recovered	Gallons Discharged to Surface Water	Gallons Discharged to Surface Water, Minus 1,000 Gallons	Cause of Spill
4/26/17	1	308 E. Lake Street	600	150	450	0	Debris-General

**Summary of steps 1-5 for Violation 3**

The following tables summarize the values assigned to penalty factors included in steps 1-5 of the Enforcement Policy methodology for Violation 3.

**Table 7 - Summary of Steps 1-5 for Violation 3**

PENALTY FACTOR	VALUE	DISCUSSION
Harm or potential for harm to beneficial uses	3	Untreated sewage was discharged to multiple locations that eventually join a tributary to the Sacramento River. Beneficial uses for the relevant portion of the Sacramento River are discussed in Violation 1
Physical, chemical, biological, or thermal characteristics of the discharge	3	A score of 3 was assigned for this factor for the same reasons as discussed in Violation 1.
Susceptibility to cleanup or abatement	1	The Discharger reported that none of the discharge was cleaned up for the spills identified in this violation. Therefore, a score of 1 is assigned for this factor.
Per gallon and per day factor for discharge violations	0.31	The "Deviation from Requirement" is "major" for all SSOs for the same reasons as discussed in Violation 1.
Volume discharged minus 1,000 gallons per event	3,900 gallons	As shown in the table above, the total volume, minus 1,000 gallons per event, is used in the calculation.
Per gallon rate	\$1/gallon	The Parties have stipulated to a per gallon penalty of \$1 per gallon as discussed above.
Per gallon penalty	\$1,209	The liability is calculated as per day factor multiplied by the number of gallons multiplied by \$10/gallon.

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<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Days of discharge	12 days	Untreated sewage was discharged on 12 separate days between 27 October 2014 and 26 April 2017.
Per day penalty	\$37,200	The liability is calculated as per day factor multiplied by the number of days multiplied by the statutory maximum per day (\$10,000).
<b>Initial Liability for Violation #3</b>	\$38,409	Sum of the per-gallon and per-day penalties.

**Table 8 - Adjustments for Discharger Conduct for Violation 3**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Culpability	1.0	The City previously identified the need to complete construction projects on the sanitary sewer collection system, notably in the downtown area of the city where many of the SSOs occurred. In addition, the City identified this area as a known bottleneck and previously completed design in anticipation for replacing areas of the pipe when construction funds are available. However, many of the SSOs were caused by blockages in the sewer line, including root intrusion, and could have been repaired to prevent SSOs until construction projects begin. Therefore, this factor serves as a neutral multiplier.
Cleanup and Cooperation	1.0	The Discharger appears to have adequately responded to all spills once discovered and provided the required information and reporting requirements included in the Statewide General Order.
History of Violations	1.1	The Discharger has a history of violations for which the Central Valley Water Board has taken enforcement. Therefore, a 1.1 is assigned.
<b>Total Base Liability for Violation #3</b>	<b>\$42,250</b>	The base liability is calculated as the initial liability multiplied by each of the above three factors.

**VIOLATION 4: CATEGORY 1 SPILL OCCURRING 1 JANUARY 2018**

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A category 1 SSO occurred on 1 January 2018 caused by root intrusion in the sanitary sewer line. Since this violation occurred during after the effective date of the 2017 Enforcement Policy, the following penalty calculation factors are taken from the 2017 Enforcement Policy.

**Summary of steps 1-5 for Violation 4**

The following tables summarize the values assigned to penalty factors included in steps 1-5 of the 2017 Enforcement Policy methodology for Violation 4.

**Table 9 – Summary of Steps 1-5 for Violation 4**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
The degree of toxicity of the discharge	3	Untreated sewage contains elevated concentrations of total coliform organisms and other substances which are known to cause disease to humans and to adversely impact aquatic life. Because the discharged material possessed “an above moderate risk or a direct threat to potential receptors”, a score of 3 was assigned for this factor.
Harm or potential for harm to beneficial uses	3	Untreated sewage entered a storm drain that eventually joins a tributary to the Sacramento River. Beneficial uses for the relevant portion of the Sacramento River are discussed in Violation 1
Susceptibility to cleanup or abatement	1	The Discharger reported that none of the spill was recovered. Therefore, a score of 1 is assigned for this factor.
Per gallon and per day factor for discharge violations	0.41	The “Deviation from Requirement” is “major” for the same reasons as discussed in Violation 1.
Volume discharged minus 1,000 gallons per event	0 gallons	According to the Discharger, 900 gallons were discharged to surface water and not recovered. The total volume, minus 1,000 gallons per event, is used in the calculation.
Per gallon rate	\$1/gallon	The Parties have stipulated to a per gallon penalty of \$1 per gallon as discussed above.
Per gallon penalty	\$0	The liability is calculated as per day factor multiplied by the number of gallons multiplied by \$10/gallon.
Days of discharge	1 day	Untreated sewage was discharged on 1 day.

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<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Per day penalty	\$4,100	The liability is calculated as per day factor multiplied by the number of days multiplied by the statutory maximum per day (\$10,000).
<b>Initial Liability for Violation #4</b>	\$4,100	Sum of the per-gallon and per-day penalties.

**Table 10 - Adjustments for Discharger Conduct for Violation 4**

<b>PENALTY FACTOR</b>	<b>VALUE</b>	<b>DISCUSSION</b>
Culpability	1.0	The City previously identified the need to complete construction projects on the sanitary sewer collection system, notably in the downtown area of the city where this SSO occurred. In addition, the City identified this section of the collection system as a known bottleneck and previously completed design in anticipation for replacing this section of pipe when construction funds are available. However, this SSO was caused by blockages in the sewer line, including root intrusion, and could have been repaired to prevent the SSO until construction projects begin. Therefore, this factor serves as a neutral multiplier.
Cleanup and Cooperation	1.0	The Discharger appears to have adequately responded to the spill once discovered and provided the required information and reporting requirements included in the WDRs.
History of Violations	1.1	The Discharger has a history of violations for which the Central Valley Water Board has taken enforcement. Therefore, a 1.1 is assigned.
<b>Total Base Liability for Violation #4</b>	<b>\$4,510</b>	The base liability is calculated as the initial liability multiplied by each of the above three factors.

**COMBINED TOTAL BASE LIABILITY AND FACTORS APPLIED TO ALL VIOLATIONS**

The total base liability is the sum of the calculated liabilities for Violations 1, 2, 3, and 4 is \$1,225,197.

**Step 6 - Ability to Pay and Ability to Continue in Business**

The ability to pay and to continue in business factor must be considered when assessing administrative civil liabilities. If the Water Board has sufficient financial information to assess the Discharger's ability to pay the Total Base Liability or to assess the effect of the Total Base Liability on the Discharger's ability to continue in business, then the Total Base Liability amount may be adjusted downward.

In this matter, the Discharger is an ongoing entity with the ability to raise revenue to satisfy the liability proposed through the imposition of fees and taxes and there is no information presented to date that would evidence the inability to pay.

### **Step 7 – Other Factors as Justice May Require**

If the Central Valley Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for “other factors as justice may require” but only if express findings are made to justify this. Board staff has spent over 100 hours on this case, but the Prosecution Team chooses not to include these costs in the liability.

In addition, the Parties have stipulated to a per gallon penalty of \$1.00 per gallon for all violations alleged herein. The Enforcement Policy provides discretion to the Prosecution Team to reduce the per gallon penalty in order to arrive at an appropriate overall liability. Here, the total gallons that were discharged to surface waters is 2,788,310. The Prosecution Team determined that this per gallon penalty is appropriate due to the overall high volume of gallons discharged and in light of settlement considerations including equitable factors as discussed in above and in Step 8.

### **Step 8 – Economic Benefit**

Pursuant to CWC section 13385(e), civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

The Parties have determined that the economic benefit amount should be adjusted from the calculation included in the original Complaint, \$546,477. The Central Valley Water Board Prosecution Team took into account several factors in order to determine that an economic benefit of \$166,988 is appropriate in this matter. In order to arrive at this economic benefit, the Central Valley Water Board adjusted inputs into the BEN Model<sup>1</sup> based on equitable considerations. Specifically, the Parties stipulated to a non-compliance date of May 2, 2015 because of the equitable considerations discussed below. When the noncompliance date in the BEN Model is adjusted to May 2, 2015 the resulting economic benefit is \$166,988. All other inputs into the BEN Model are consistent with the analysis attached to the July 2019 administrative civil liability complaint.

The Central Valley Water Board acknowledges that the City is a small community with financial hardship as defined by Water Code section 13385 subdivision (k) that lacks the resources that larger municipalities may have in order to finance and complete significant upgrades to sanitary sewer infrastructure. Furthermore, the Statewide General Order created a timeline for compliance that granted small cities additional time, as compared to larger entities, to comply with the requirements of the Statewide General Order. In addition, the Central Valley Water Board Prosecution Team has become aware of funding delays that have resulted in the City being unable to begin construction on planned projects further delaying the City’s ability to comply with the Statewide General Order. Finally, the City is undertaking significant work to improve both its sanitary sewer system and its wastewater treatment plant; together, these

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<sup>1</sup> <https://www.epa.gov/enforcement/penalty-and-financial-models>

projects represent a total investment of over \$20,000,000 and will significantly reduce the risk to water quality posed by the City.

**Final adjusted liability**

The final adjusted liability is \$1,225,197.

**Step 9 – Maximum and Minimum Liability Amounts**

The maximum and minimum amounts for discharge violation must be determined for comparison to the amounts being proposed.

**Maximum Liability:** Water Code maximum liability amount for Violation 1 is \$27,000,000, the maximum liability amount for Violation 2 is \$880,300, the maximum liability amount for Violation 3 is \$159,000, and the maximum liability amount for Violation 4 is \$10,000. Therefore, the maximum liability for all violations is \$28,049,300.

**Minimum Liability:** The minimum liability is calculated as the economic benefit plus 10%. Here, the minimum liability is \$183,686. Here, the Parties have stipulated to a total liability of \$1,225,197 in discretionary penalties. The economic benefit of \$166,988 is to be paid to the State Water Board's Cleanup and Abatement Account as described in Section IX. of the Enforcement Policy. The remaining liability of \$1,058,209 shall be satisfied through the completion of an Enhanced Compliance Action (ECA) as described in this Order and its attachments.

**Step 10 – Final liability Amount**

The final liability amount consists of the added amounts for each violation, with any allowed adjustments, provided amounts are within the statutory minimum and maximum amounts. Using the Penalty Calculation Methodology, as described above, the proposed penalty for the violations discussed herein is \$1,225,197.

MT. SHASTA WASTEWATER TREATMENT PLANT

CALCULATION OF MANDATORY MINIMUM PENALTIES

(Data reported under Monitoring and Reporting Program No. R5-2012-0086 and R5-2017-0117)

**Table 1: EFFLUENT LIMITATION VIOLATIONS – MONITORING LOCATION EFF-001**

Violation Date	Parameter	Units	Condition	Final Effluent Limit	Reported Value	Violation Type	CIWQS ID	MMP Amount
2/28/2017	BOD (5-day)	% Removal	Average Monthly	85	83.75	Non-serious	1027018	N/A
11/30/2017	Copper	ug/L	Average Monthly	9.1	19.9	Serious, Group II	1037600	\$3,000
11/30/2017	Zinc	ug/L	Average Monthly	12.9	17.4	Serious, Group II	1037602	\$3,000
11/30/2017	Total Suspended Solids	mg/L	Average Monthly	30	32	Non-serious	1050302	N/A
12/01/2017	Copper	ug/L	Maximum Daily	19.3	24.7	Serious, Group II	1037537	\$3,000
12/31/2017	Copper	ug/L	Average Monthly	9.1	24.7	Serious, Group II	1037539	\$3,000
12/31/2017	Zinc	ug/L	Average Monthly	12.9	13.4	Non-serious	1037540	\$3,000
12/31/2017	BOD (5-day)	mg/L	Average Monthly	30	35	Non-serious	1037541	\$3,000
12/31/2017	BOD (5-day)	% Removal	Average Monthly	85	80	Non-serious	1037542	\$3,000
12/31/2017	Total Suspended Solids	mg/L	Average Monthly	30.0	36.4	Non-serious	1037538	\$3,000
1/05/2018	Copper	ug/L	Daily Maximum	19.3	40.4	Serious, Group II	1039051	\$3,000

<b>Violation Date</b>	<b>Parameter</b>	<b>Units</b>	<b>Condition</b>	<b>Final Effluent Limit</b>	<b>Reported Value</b>	<b>Violation Type</b>	<b>CIWQS ID</b>	<b>MMP Amount</b>
1/06/2018	BOD (5-day)	mg/L	Average Weekly	45	49.1	Non-serious	1039049	\$3,000
1/13/2018	BOD (5-day)	mg/L	Average Weekly	45	53.0	Non-serious	1039046	\$3,000
1/31/2018	Copper	ug/L	Average Monthly	9.1	40.4	Serious, Group II	1039048	\$3,000
1/31/2018	Zinc	ug/L	Average Monthly	12.9	25.4	Serious, Group II	1039050	\$3,000
1/31/2018	BOD (5-day)	mg/L	Average Monthly	30	51.05	Serious, Group I	1039045	\$3,000
1/31/2018	BOD (5-day)	% Removal	Average Monthly	85	65.25	Non-serious	1039044	\$3,000
1/31/2018	Total Suspended Solids	mg/L	Average Monthly	30	37.8	Non-serious	1039047	\$3,000
11/28/2018	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	33.3	Serious, Group II	1054511	\$3,000
11/30/2018	BOD (5-day)	mg/L	Average Monthly	30	37.9	Non-serious	1054510	N/A
11/30/2018	BOD (5-day)	% Removal	Average Monthly	85	75	Non-serious	1054513	N/A
11/30/2018	Copper, Total Recoverable	µg/L	Average Monthly	10.0	33.3	Serious, Group II	1054512	\$3,000
12/06/2018	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	33.9	Serious, Group II	1055202	\$3,000
12/31/2018	Copper, Total Recoverable	µg/L	Average Monthly	10.0	33.9	Serious, Group II	1055203	\$3,000
1/03/2019	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	31.1	Serious, Group II	1055730	\$3,000

<b>Violation Date</b>	<b>Parameter</b>	<b>Units</b>	<b>Condition</b>	<b>Final Effluent Limit</b>	<b>Reported Value</b>	<b>Violation Type</b>	<b>CIWQS ID</b>	<b>MMP Amount</b>
1/31/2019	BOD (5-day)	% Removal	Average Monthly	85	81	Non-serious	1055731	\$3,000
1/31/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	31.1	Serious, Group II	1055729	\$3,000
2/11/2019	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	28.1	Serious, Group II	1056861	\$3,000
2/28/2019	BOD (5-day)	% Removal	Average Monthly	85	74	Non-serious	1056860	\$3,000
2/28/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	28.1	Serious, Group II	1056862	\$3,000
3/31/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	16.6	Serious, Group II	1057617	\$3,000
4/30/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	17.8	Serious, Group II	1059067	\$3,000
11/30/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	17.5	Serious, Group II	1068344	\$3,000
12/31/2019	Copper, Total Recoverable	µg/L	Average Monthly	10.0	17.1	Serious, Group II	1069378	\$3,000
1/13/2020	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	22.2	Non-serious	1070872	N/A
1/31/2020	Copper, Total Recoverable	µg/L	Average Monthly	10.0	22.2	Serious, Group II	1070875	\$3,000
2/04/2020	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	28.6	Serious, Group II	1071818	\$3,000
2/29/2020	Copper, Total Recoverable	µg/L	Average Monthly	10.0	28.6	Serious, Group II	1071819	\$3,000
3/10/2020	Copper, Total Recoverable	µg/L	Maximum Daily	18.5	18.7	Non-serious	1073036	\$3,000

Violation Date	Parameter	Units	Condition	Final Effluent Limit	Reported Value	Violation Type	CIWQS ID	MMP Amount
3/31/2020	Copper, Total Recoverable	µg/L	Average Monthly	10.0	18.7	Serious, Group II	1073035	\$3,000
5/31/2020	Copper, Total Recoverable	µg/L	Average Monthly	10.0	10.2	Serious, Group II	1075794	\$3,000
							<b>Total</b>	<b>\$108,000</b>

Notes: Serious Group I: any waste discharge that exceeds the effluent limitations for a group I pollutant by 40% or more.  
 Serious Group II: any waste discharge that exceeds the effluent limitations for a group II pollutant by 20% or more.  
 Non-Serious Violation: A non-serious violation will be subject to MMPs if the discharger does any one of the following four or more times in any period of 180 days:

- (a) violates a WDR effluent limitation;
- (b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
- (c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or
- (d) violates a whole effluent toxicity limitation where the WDRs do not contain pollutant-specific effluent limitations for any toxic pollutants.

## ENHANCED COMPLIANCE ACTION DESCRIPTION

### **Project Title:**

Downtown Collection System Improvements Project

### **Geographic Area of Interest:**

City of Mt. Shasta (City), Siskiyou and Shasta Counties, specifically the Sacramento River watershed downstream of the collection system

### **Name of Responsible Entity:**

City of Mt. Shasta

### **Contact Information:**

Rod Bryan, Public Works Director  
City of Mt. Shasta Wastewater Treatment Plant  
305 N. Mt. Shasta Blvd.  
Mt. Shasta, CA 96067  
530-926-7526  
rbryan@mtshastaca.gov

### **Project Description and Goals:**

The City has owned and operated its sewer collection system since 1912. Portions of the original collection system are still in service today. The City is located in an area that experiences intense periods of precipitation in a harsh winter environment that can result in inflow & infiltration (I&I) into the collection system, affecting the capacity and structural integrity of portions of the collection system. The City has noted sanitary sewer overflows (SSOs) within its sewer system. The manhole at the intersection of N. Mt. Shasta Boulevard and Alma Street has experienced four SSOs since 2014. The sewer main along McCloud Avenue has experienced eleven SSOs since 2010. The City created a Sanitary Sewer Management Plan (SSMP) in 2010, including a hydraulic evaluation of the main trunk sewers serving the City. In addition, portions of the collection system were videoed to evaluate their condition and prioritize repairs.

The City secured the help of PACE Engineering, Inc. to provide a Preliminary Engineering Report (PER) to determine the most effective method of addressing wastewater utility issues, including within the collection system. The PER recommended new sewer mains be constructed to achieve the following goals:

- Replace aging infrastructure;
- Alleviate ongoing maintenance;
- Reduce the potential for wastewater blockages, surcharging, and overflows that may result in the discharge of pollutants to the Sacramento River watershed;
- Provide additional capacity in sewer mains to handle projected future flows; and,
- Reduce the amount of effluent discharged to the Sacramento River by reducing I&I in the collection system where possible.

The PER evaluated three sewer main route alternatives. The alternative that was most effectively able to achieve the project goals listed above was utilized as the proposed project. Figures are included for reference. The proposed project includes the following:

- 160 linear feet of 30-inch bore and jack;
- 240 linear feet of 30-inch steel casing;
- 1,390 linear feet of 18-inch sewer main;
- 25 linear feet of 12-inch sewer main;
- 2,515 linear feet of 10-inch sewer main;
- 1,170 linear feet of 8-inch sewer main;
- 85 linear feet of 6-inch sewer main;
- 1,295 linear feet of 4-inch sewer main;
- 26 new manholes;
- 1 new rod hole;
- Surface restoration; and,
- New connections to new sewer

The proposed project, to the extent possible, goes above and beyond preventing SSOs to meet all the listed project goals. The proposed project replaces existing laterals, providing two-way cleanouts and backwater check valves. These lateral improvements will reduce I&I and provide a means for the City to monitor I&I in the future to identify problematic areas in the collection system and ultimately reduce flow to the wastewater treatment plant downstream that discharges to the Sacramento River or ground water. The project also adds additional manholes at sewer junctions. These manholes will allow the City to perform needed maintenance and monitor the collection system for blockages and other issues that might lead to an SSO. Existing deficient manholes will be replaced rather than rehabilitated to extend the life of the collection system and rely less on maintenance of aging infrastructure. New sewer mains will be designed not only for existing flows but for future flows.

**Water Body, Beneficial Use, and/or Pollutant Addressed by the Project:**

The project will replace portions of the sewer system with enough capacity for future flows and reduce I&I into the collection system. This will reduce the potential for future SSOs and limit the amount of water that is discharged to the Sacramento River and ground water; therefore, the proposed project will go above and beyond fixing deficiencies to provide enhanced protection to adjacent water bodies and the Sacramento River watershed downstream of the collection system.

**Estimated Cost of Project:**

The estimated project cost is \$2,781,415. \$1,309,000 of the project is funded by a loan secured by the City and the remaining cost of the project is funded by grants.

**Project Schedule, Milestones, and Expected Completion Dates:**

The proposed project has, in large part, already been constructed. Completion of the proposed project is expected in July 2020. Table 1 summarizes the milestones that have already been achieved.

**Table 1 – Project Milestone Summary**

<b>MILESTONE</b>	<b>DATE</b>
<b>Pre-Construction</b>	
Project Posted for Public Bid	4/2/19
Pre-Bid Meeting	4/9/19
Public Bid	4/30/19
<b>Construction<sup>1</sup></b>	
Notice to Proceed Issued	6/3/19
25% Construction Complete	9/13/19
Union Pacific Railroad Bore and Jack Complete	9/26/19
50% Construction Complete	10/16/19
70% Construction Complete	12/10/19
90% Construction Complete	2/14/20

<sup>1</sup> Percent construction complete based on payment application percent of funds spent to date.

**Fund Expenditures:**

\$1,309,000 of the project is funded by a loan secured by the City. The first loan payment is due one year from the date of the project's final completion.

**Final Report:**

The City will submit a post-project final report documenting project completion and accounting of all expenditures. The accounting shall clearly show whether the final cost of the completed project is less than, equal to, or more than the suspended liability of \$1,058,209.

**The Final Report is due within 1 year of the adoption date of the Order.** The report shall be completed under penalty of perjury and in accordance with the terms described in this Order.

## COMPLIANCE PROJECT DESCRIPTION

### Compliance Project Title:

Planning Phase for Wastewater Treatment Plant Improvements Project

### Geographic Area of Interest:

City of Mt. Shasta (City) Wastewater Treatment Plant (WWTP), Siskiyou and Shasta Counties, specifically the Sacramento River watershed downstream of the WWTP

### Name of Responsible Entity:

City of Mt. Shasta

### Contact Information:

Rod Bryan, Public Works Director  
City of Mt. Shasta WWTP  
305 N. Mt. Shasta Blvd.  
Mt. Shasta, CA 96067  
530-926-7526  
[rbryan@mtshastaca.gov](mailto:rbryan@mtshastaca.gov)

### Compliance Project Description and Goals:

The City of Mt. Shasta WWTP (Facility) was constructed in 1976. The original Facility consisted of a headworks, ponds, and interim sand filters. Effluent was disposed of at the leach field or the Sacramento River discharge point. Over the years, several upgrades have been constructed at the Facility to comply with increasingly stringent effluent limits contained in the Facility's National Pollutant Discharge Elimination System (NPDES) permits. These upgrades allowed the City to provide the local golf course with reclaimed water. The City's 2007 NPDES permit included effluent limits for copper, zinc, and ammonia that the City could not consistently comply with. Shortly thereafter, Cease and Desist Order R5-2010-0064 was adopted, which provided a compliance schedule and extended the interim limits for these constituents until 2012. A new permit was adopted in 2012 providing a compliance schedule and interim effluent limit for the same constituents with the addition of BOD, TSS, pH, and Title 22 disinfection requirements.

The City secured the help of PACE Engineering, Inc. to determine the most effective method of complying with the effluent limits. Documents required in the planning phase of the WWTP Improvements Project included completing necessary environmental documentation (Mitigated Negative Declaration and Initial Study for CEQA review), a Wastewater Utility Rate Study, and a Preliminary Engineering Report and Feasibility Study (PER). The PER found the existing Facility was, in large part, beyond its serviceable life and unable to be upgraded cost effectively to meet the effluent limits. The PER recommended that a new WWTP be constructed to achieve the following goals:

- Reliably meet effluent limits and improve water quality of the Sacramento River;
- Minimize impacts to rate payers;
- Be adapted or modified to meet future discharge requirements;
- Minimize operations and maintenance difficulties; and,
- Be a secure and safe Facility.

The PER evaluated seven treatment alternatives. The alternative that was most effectively able to achieve the project goals listed above was utilized as the proposed project. The proposed project includes the following components:

- Retrofitted headworks;
  - Self-cleaning screen
  - Screening washer/compactor
- Grit removal;
- Biological treatment basins - activated sludge;
- Clarifiers;
- Aerobic digesters;
- Ultraviolet disinfection;
- Mechanical dewatering; and,
- Lab/Control building.

In order to move forward with the construction and completion of the proposed project, the City must first complete the planning phase of the WWTP upgrades. This compliance project provides the planning documents that will help secure funding for the construction phase.

**Water Body, Beneficial Use, and/or Pollutant Addressed by the Compliance Project:**

This compliance project will benefit the Sacramento River watershed by improving effluent quality once construction of the improved WWTP is completed. After completing construction, the City will be able to consistently comply with its NPDES permit by reducing copper, zinc, ammonia, coliform, BOD, TSS, pH, and Title 22 disinfection byproducts in the effluent that is discharged to the Sacramento River.

**Total Cost of Compliance Project:**

The total cost of \$263,551 was used in part to complete the required documents in this Compliance Project.

**Compliance Project Schedule, Milestones, and Completion Dates:**

**Table 1 – Compliance Project Completion Dates**

Document	Completion Date
Draft PER and Feasibility Study	May 2014
Environmental Documentation (Mitigated Negative Declaration and Initial Study)	November 2015
Final PER and Feasibility Study	December 2016
Final Wastewater Utility Rate Study	April 2017

**Mandatory Minimum Penalties:**

The **\$108,000** of Mandatory Minimum Penalties associated with this Order will be used to fund the proposed improvements.

**Final Report:**

The City will submit a post-project final report documenting project completion and accounting of all expenditures. The accounting shall clearly show whether the final cost of the completed compliance project is less than, equal to, or more than the suspended liability of **\$108,000**.

**The Final Report is due within 6 months of the completion of the planning phase of the WWTP Improvements Project.** The report shall be completed under penalty of perjury and in accordance with the terms described in this Order.