

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2013-0542

IN THE MATTER OF  
GROVELAND COMMUNITY SERVICES DISTRICT  
WASTEWATER TREATMENT FACILITY  
TUOLUMNE COUNTY

This Settlement Agreement and Stipulation for entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Executive Officer of the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the Groveland Community Services District (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 Government Code section 11415.60.

**Recitals**

1. Discharger owns and operates a sewage collection system and wastewater treatment facility (WWTF or facility) that serves the communities of Groveland, Pine Mountain Lake, and Big Oak Flat. The WWTF includes collection, treatment, storage, and disposal facilities. The sewage collection system includes approximately 35 miles of gravity mains, 7 miles of force main, and 16 lift stations. The lift stations are mostly located near surface drainages, as there are several creeks and other water bodies in the area. Wastewater treatment includes an activated sludge treatment plant with headworks, equalization basin, activated sludge basin, and chlorination contact chamber. Effluent is stored in one of two reservoirs during winter with 140-acre feet capacity. The second reservoir is used as emergency storage. Effluent disposal is by spray irrigation to 13 acres of land owned by the Discharger and irrigation of Pine Mountain Lake Golf Course, owned by Pine Mountain Lake Association (PMLA).
2. Surface drainage around most of the WWTF, Groveland, and the Pine Mountain Lake community is to the lake, which is tributary to the Tuolumne River. Pine Mountain Lake is used for fishing, recreation, and as an alternate drinking water source for these communities. The Tuolumne River is also tributary to Lake Don Pedro, which is used for municipal, recreational, agricultural, and hydroelectric activities. Surface drainage in Big Oak Flat is to Rattlesnake Creek, which is also tributary to Lake Don Pedro. Referenced water bodies are waters of the United States.

3. On 26 June 1987, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order 87-121, which prescribes requirements for collection, treatment, and discharge of effluent from the WWTF to storage reservoirs and sprayfields. The WDRs allow up to 0.4 mgd for 30-day average dry weather flow and 0.5 mgd for peak daily wet weather flow. The WDRs name the PMLA as well as the Discharger because the effluent can be recycled on the PMLA golf course; however, PMLA does not own, operate, or maintain the WWTF and is not a necessary party to this Settlement Agreement and Stipulated Order.
4. Discharger also enrolled under State Water Resources Control Board Order 2006-0003-DWQ, the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Statewide General WDRs), which regulate sanitary sewer collection systems to reduce sanitary sewer overflows (SSOs) on 2 September 2007.
5. On 21 October 2010, a member of the Central Valley Water Board Prosecution Team contacted the Discharger and informed it of allegations of an unreported sewage spill beginning on 20 August 2010 and continuing for two days, flowing to Pine Mountain Lake. The spill was initially entered into CIWQS (California Integrated Water Quality System) as a 50-gallon spill on 3 November 2010 by an Engineer for the Discharger.
6. On 16 February 2011, the Executive Officer issued a Notice of Violation and a 13267 Order (NOV/ 13267 Order) to the Discharger for the August 2010 spill. The NOV/ 13267 Order directed the Discharger to complete an investigation of the August 2010 sewer spill. Submissions by the Discharger to the Central Valley Water Board concluded the spill had lasted 3-5 days and was more accurately estimated at 24,000 – 59,000 gallons.
7. On 30 March 2011, Discharger staff reported a sewage spill of 96,000 gallons to Rattlesnake Creek, a tributary to Lake Don Pedro. The spill originated from a manhole approximately 20 feet from the Creek. This manhole is part of the collections lines that drain to Lift Station 16. Tuolumne County Environmental Health Department (TCEHD) notified the District of the sewage spill, reported by a resident living near the collection line serving the community of Big Oak Flat. At the request of the Central Valley Water Board Prosecution Staff, on 13 April 2011 the Discharger submitted a detailed report of the sewage spill.
8. According to the 13 April 2011 spill report, the Discharger initially estimated 1,000 gallons of gray water reached the Creek. However, further investigation revealed that the spill volume was between 3,200 and 96,000 gallons. At the request of TCEHD, the spill description was changed from gray water to raw sewage. Based on a resident's first complaint of odors dating 30 days prior to discovery of the spill and since there are 20 occupied homes (an estimated flow of 160 gpd for each

home), a sewage overflow of 3,200 gpd for 30 days was estimated, which translates to 96,000 gallons.

9. The discharges of raw sewage described above and in greater detail in Attachment A are violations of Prohibition C.1 of the Statewide General WDRs, which prohibit the discharge of untreated or partially treated wastewater to waters of the United States, and Prohibition C.2, which prohibits the discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code (CWC) 13050(m).
10. On 8 December 2011, Central Valley Water Board issued an NOV letter to the Discharger for investigation results of several SSO complaints and including an 18 May 2011 inspection of Discharger's sanitary sewer system. The NOV letter identified Discharger's non-compliance with the Statewide General WDRs and the WDRs Order 87-121. The Discharger failed to properly manage, operate, and maintain all parts of the sanitary sewer system, which included several lift stations and collection system pipelines. The Discharger also failed to have an effective Sewer System Management Plan (SSMP). In addition, the Statewide General WDRs and the SSMP were not available to collection system operators. The operators also were not properly trained in collection system maintenance. The NOV letter required the Discharger to respond by 9 January 2012.
11. On 9 April 2012, Central Valley Water Board issued second NOV for results of WWTF inspection conducted by the Central Valley Water Board staff on 2 February 2012 for non-compliance with the WDRs Order 87-121 and investigation results of sewage spill which occurred on 18 January 2012. The NOV letter cited unapproved sludge disposal practices on disposal fields and failing to have an approved operating procedure to safeguard power failures in the lift stations. The NOV letter also cited similar violations of the Statewide General WDRs and the WDRs Order 87-121, which was cited in Central Valley Water Board's 8 December 2011 NOV letter. The NOV required the Discharger to respond by 21 May 2012.
12. On 21 May 2012, the Discharger submitted a response to the Central Valley Water Board's two NOV letters. The Discharger reportedly has implemented a routine maintenance program for all the lift stations, collection system pipelines/manholes and has drafted a SSMP, which was adopted by their Board in May 2012. The SSMP was also available to the collection system operators. In addition, the Discharger has implemented a training program for the operators. The application of sludge to disposal fields has ceased and reportedly the sludge is hauled off to an approved facility for proper disposal. The Discharger has also implemented a written operating procedure for the lift station power failures and notification of the operators.

### Regulatory Considerations

13. The Discharger has violated WDR 87-121 for unpermitted discharges to waters of the United States. The Regional Water Board may assess administrative civil liability based on CWC Section 13385 for violations of the WDRs.
14. As described above, the Discharger has also violated State Water Board Order No. 2006-0003-DWQ for unpermitted dischargers to waters of the United States.
15. Water Code Section 13385(c) states: *“Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.”*
16. Water Code Section 13385(e) states: *“In determining the amount of any liability imposed under this section, the regional board...shall take into consideration the nature, circumstances, 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 violations, and other matters as justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.”*
17. In discussing this matter through settlement, the parties have reached the following agreements regarding spill amounts and durations, **for purposes of this settlement only**. These amounts can be used to calculate the maximum liability amount under the CWC:

August 2010 spill: 5 day spill, 29,193 gallons  
 $(\$50,000 + (28,193 \times 10) = \$331,930)$

March 2011 spill: 12 day spill: 38,300 gallons  
 $(\$120,000 + (37,300 \times 10) = \$493,000)$

Therefore, for both spills the maximum liability is the sum of \$331,930 and \$493,000, or \$824,930.

### Settlement

18. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by presenting this Stipulated Order to the Central Valley Regional Board, or its delegee, for adoption as an order by settlement pursuant to Government Code section 11415.60. The Regional 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 interests of the public.
19. The Parties have agreed to adjust three of the penalty calculation factors, as described in Attachment A to this Order. The basis for these factors is found in the State Water Resources Control Board's *Water Quality Enforcement Policy*.
20. To resolve the discharges and any other violations alleged herein (referred to hereinafter as the "Covered Matters") by consent and without further administrative proceedings, the Parties have agreed to the imposition of \$375,000 in liability against the Discharger. Consistent with the *Water Quality Enforcement Policy*, up to 50% of that amount can be dedicated toward a Supplemental Environmental Project (SEP) or Enhanced Compliance Action (ECA), which will need to be proposed by the Discharger in compliance with the applicable Enforcement Policy (effective May 20, 2010) and SEP Policies (effective February 3, 2009). While half of the total liability must be paid to the State Water Resources Control Board's Cleanup and Abatement Account, the Regional Board Prosecution Team has agreed to allow payment to occur over two years, in four equal payments of \$46,875, the first of which is due 30 days after execution of Stipulated Order. The remaining three payments will each be due approximately 6 months after the preceding payment. For example, if the first payment is made on July 1, 2013, the second payment will be on January 1, 2014, the third on July 1, 2014 and the fourth and final payment on January 1, 2015.

### Stipulations

The Parties stipulate to the following:

1. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability totaling **three-hundred seventy-five thousand dollars (\$375,000)**. Of this amount:
  - a. **One hundred eighty-seven thousand five hundred dollars (\$187,500)**, shall be paid into the Cleanup and Abatement Account. These payments may be made in four equal installments, the first to be made not more than 30 days after the entry of an Order approving this Stipulated Agreement by the Central Valley Water Board. Each check, in the amount of \$46,875, shall be made

payable to the *State Water Pollution Cleanup and Abatement Account*, and shall indicate on the check the number of this Order. The Discharger shall send the original signed check to Julie Macedo, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812. A copy of the check shall be sent to Clay Rodgers, Regional Water Quality Control Board, Central Valley Region, 1685 E Street, Fresno, CA 93706.

- b. The remaining liability of **one-hundred eighty-seven thousand five hundred dollars (\$187,500)** shall be permanently suspended pending timely completion of the work, and submittal of the reports, described in Attachment B, *Enhanced Compliance Action Project*. The reports must document completion of the required tasks at a cost of at least \$187,500. If less than \$187,500 is spent on the project, then the Discharger shall submit the difference no later than thirty (30) days after the project is deemed to be complete.
2. **Agreement of Discharger to Fund, Report, and Guarantee Implementation of ECA:** The Discharger represents that: (1) it will fund the ECA in the amount as described in this Stipulation; (2) it will provide certifications and written reports to the Central Valley Water Board consistent with the terms of this Stipulation detailing the implementation of the ECA; and (3) will guarantee implementation of the ECA by remaining liable for the entire cost of the ECA until it is completed and accepted by the Central Valley Water Board in accordance with the terms of this Stipulation. The Discharger agrees that the Central Valley Water Board has the right to require an audit of the funds expended by it to implement the ECA.
3. **Force Majeure:** In the event that the ECA is not performed in accordance with the specific terms and conditions, including the time schedule, detailed in Attachment B, due to circumstances beyond the reasonable control of the Discharger and which could not have been reasonably foreseen and prevented by the exercise of due diligence, the Discharger will provide written notice to the designated Central Valley Water Board staff within five days of the date the Discharger first knew of the event or circumstance that caused the deviation from the ECA terms and conditions. The final determination as to whether the circumstances were beyond the reasonable control of the Discharger will be made by the Executive Officer of the Central Valley Water Board. In this event, the parties agree to meet and confer regarding an extension of time to complete the ECA.
4. **Oversight of ECA:** The Discharger is solely responsible for paying all oversight costs incurred to oversee the ECA. The ECA oversight costs are in addition to the total administrative civil liability imposed against the Discharger and are not credited toward the Discharger's obligation to fund the ECA.
5. **Publicity:** Should Discharger or its agents or subcontractors publicize one or more elements of the ECA, they shall state in a prominent manner that the project

is being partially funded as part of the settlement of an enforcement action by the Central Valley Water Board against the Discharger.

6. **Compliance with Applicable Laws:** The Discharger 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 in the Notices of Violation may subject it to further enforcement, including additional administrative civil liability.

7. **Party Contacts for Communications related to Stipulated Order:**

For the Regional Water Board:

Clay Rodgers  
Regional Water Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, CA 93706  
(559) 445-5116

For the Discharger:

General Manager  
Groveland Community Services District  
18966 Ferretti Road  
P.O. Box 350  
Groveland, CA 95321-0350  
(209) 962-4943

8. **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.
9. **Matters Addressed by Stipulation:** Upon the Central Valley Water Board's, or its delegee's, adoption of this Stipulated Order, this Order represents a final and binding resolution and settlement of the violations alleged in the Notices of Violation pursuant to Water Code sections 13323, 13350 and 13385, as well as for all alleged SSOs identified in Attachment C to this Stipulated Order. The provisions of this Paragraph are expressly conditioned on the full payment of the administrative civil liability, in accordance with Stipulation Paragraph 1 herein.
10. **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 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 their approval of this proposed Stipulated Order.

11. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Central Valley Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, will be adequate. In the event procedural objections are raised prior to the 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.
12. **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 the 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.
13. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
14. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Central Valley Water Board.
15. **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 they expect to proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. 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 the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:
  - a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections that 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 as a consequence of reviewing the Stipulation and/or the Order, and

therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Notices of Violation in this matter; or

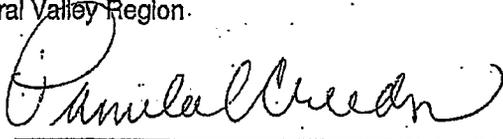
- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
16. **No Admission of Liability:** In settling this matter, the Discharger does not admit to any of the findings in the Notices of Violation and/or this Stipulated Order, or that it has been or is in violation of the Water Code, or any other federal, state, or local law or ordinance; however, the Discharger recognizes that this Stipulated Order may be used as evidence of a prior enforcement action consistent with Water Code section 13327.
17. **Waiver of Hearing:** The Discharger has been informed of the rights provided by CWC section 13323(b), and hereby waives its right to a hearing before the Central Valley Water Board prior to the adoption of the Stipulated Order.
18. **Waiver of Right to Petition:** The Discharger hereby waives its 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 its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
19. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, its officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any Covered Matter.
20. **Central Valley Water Board is 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 acts or omissions by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
21. **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 Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
22. **No Third Party Beneficiaries.** This Stipulated Order is not intended to confer any rights or obligations 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.
23. **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.

24. **Counterpart Signatures:** This Stipulated 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:



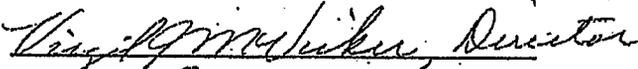
Pamela C. Creedon  
Executive Officer

Date:

5/30/2013

Groveland Community Services District

By:



Title:

Vice President

Date:

5/29/2013

**Order of the Central Valley Water Board**

1. In adopting this Stipulated Order, the Central Valley Water Board or its delegee has considered, where applicable, each of the factors prescribed in CWC sections 13327 and 13385(e). The consideration of these factors is based upon information and comments obtained by the Central Valley Water Board's staff in investigating the allegations concerning the dischargers discussed herein or otherwise provided to the Central Valley Water Board or its delegee by the Parties and members of the public. In addition to these factors, this settlement recovers the costs incurred by the staff of the Central Valley Water Board for this matter.
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(a)(2), Title 14, of the California Code of Regulations.

(Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.

3. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Order of the Central Valley Water Board.

Pursuant to CWC sections 13323, 13350, 13385 and Government Code section 11415.60, **IT IS HEREBY ORDERED** by the California Regional Water Quality Control Board, Central Valley Region.

By:



Kenneth D. Landau  
Assistant Executive Officer

Date:

July 11, 2013

- Attachment A: Penalty Calculation Methodology
- Attachment B: Enhanced Compliance Action
- Attachment C: Sanitary Sewer Overflow List

## ATTACHMENT A

### For Settlement Agreement and Stipulated Order R5-2013-0542

#### ACL Penalty Calculation Methodology

##### Groveland Community Services District, Wastewater Treatment Facility

CWC sections 13327 and 13385(e) require the State Water Board and Regional Water Boards to consider several factors when determining the amount of civil liability to impose. These factors include in part: "...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup and abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in 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 as justice may require."

On 17 November 2010, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy ("Enforcement Policy"). The Enforcement Policy was approved by the Office of Administrative Law and became effective on 20 May 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in CWC sections 13327 and 13385(e). The entire Enforcement Policy can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final11179.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final11179.pdf).

This attachment summarizes the Prosecution Team's proposed factors, and the ultimately selected factors agreed upon by the Parties (the Prosecution Team and Groveland Community Services District) through settlement negotiations.

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

The actual or threatened impact to beneficial uses caused by the violation is determined using a three-factor scoring system to quantify: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the Discharger's susceptibility to cleanup or abatement for each violation or group of violations.

##### **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 is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).

The evaluation of the potential harm to beneficial uses factor considers the harm that may result from exposure to the pollutants or contaminants in the illegal discharge, in light of the statutory factors of the nature, circumstances, extent and gravity of the violation or violations. The score evaluates direct or indirect harm or potential for harm from the violation.

Case 1 (March 2011 spill). In this case, the potential harm to beneficial uses was determined to be above moderate (4). An above moderate score means that the

threat to beneficial uses (i.e., impacts are observed or likely substantial, temporary restrictions on beneficial uses (e.g., less than 5 days), and human or ecological health concerns). The District only collected total and fecal coliform 50 yards downstream, with high coliform persisting for seven days. The District did not do any additional sampling, or study the impact further downstream in Lake Don Pedro reservoir, which is used as drinking water source. This reservoir is also used for recreational, agricultural, and hydroelectric activities. The wet weather conditions may have also reduced some of the effects to beneficial uses.

Case 2 (August 2010 spill). In this case, the potential harm to beneficial uses was determined to be moderate (3). A moderate score means that the threat to beneficial uses (i.e., impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects). The District did not do any sampling or study impacts to beneficial uses; however, the Pine Mountain Lake Association (PMLA) staff has collected total and fecal coliform samples near the spill site. This data shows a gradual increase in fecal coliform for several weeks after the spill. Pine Mountain Lake is an alternate drinking water source for the District. It is primarily used for recreation and fishing and, during March, little of this activity occurs.

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.

In both Cases 1 and 2 a score of 4 was assigned. A score of 4 means discharged material poses a significant risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material far exceed risk factors or receptor harm is considered imminent). Potential receptors are those identified considering human, environmental, and ecosystem health exposure pathways. In both cases, the raw sewage has significant risk and reasonable direct impact to human and aquatic life by the way of pathogens or bacteria for human and nutrient for fish life and ecosystem. The District has not conducted a study to determine the effects of pathogens and nutrients for either case.

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 for this factor 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 Cases 1 and 2, little cleanup or abatement was possible. Therefore, a factor of 1 is assigned.

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.

For Case 1, a **final score of 9** was calculated by adding the result of three factors evaluated above (4 + 4 + 1). The total score is then used to determine the Penalty Factors for per gallon discharges and per day discharges.

For Case 2, a **final score of 8** was calculated by adding the result of three factors evaluated above (3 + 4 + 1).

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

This step addresses per gallon and per day assessments for discharge violations.

#### Per Gallon Assessments for Discharge Violations

Where there is a discharge, the Water Boards shall determine an initial liability amount on a per gallon basis using on the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 1 below to determine a Per Gallon Factor for the discharge. Except for certain high-volume discharges discussed below, the per gallon assessment would then be the Per Gallon Factor multiplied by the number of gallons subject to penalty, multiplied by the maximum per gallon penalty amount allowed under the California Water Code. The Potential for Harm factors were determined in Step 1 for both cases. The extent of Deviation from Requirement of violation is determined below.

Case 1 (March 2011 spill). The District violated Statewide General WDRs, Prohibition C.1, and WDRs, Discharge Prohibitions A.1 and A.2, for discharges or overflow of 95,900 gallons (100 gallons recovered) of untreated wastewater (raw sewage) to surface water and waters of the United States (e.g., Rattlesnake Creek and Lake Don Pedro Reservoir).

The District violated the Statewide General WDRs Provision D.3 for failure to take all the feasible steps to eliminate sanitary sewer overflows (SSOs) and Provision D.8 for failure to properly manage, operate, and maintain the sewage collection system. The District also has failed to adequately train staff on Statewide General WDRs SSO requirements.

In this case, Board staff recommends the deviation from the requirements described above as *Moderate*. A Moderate deviation is defined as when the intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved). In this case, Statewide General WDRs, Prohibition C.1, and WDRs Discharge Prohibitions A.1 and A.2 requirements were not met but the Statewide General WDRs Provisions D.3 and D.8 were partially met because the District has been in the process of upgrading its sewer lift stations. However, the collection line maintenance has been neglected.

In accordance to the Water Quality Enforcement Policy, in this case a High Volume Discharge may be considered since the 95,900-gallon spill occurred during wet weather conditions in late March 2011. Although the spill volume reported does not account for infiltration and inflow impact, the wet weather conditions may have

reduced the impacts to beneficial uses to some degree. The District's reported volume is also a maximum volume expected under the reporting conditions. California Water Code (CWC) section 13385(c)(2) allows for an additional liability of ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up that exceeds 1,000 gallons. In this case, Board staff recommends that \$5 per gallon be used instead of the maximum liability per gallon amount of \$10 per gallon. Therefore, the additional liability is calculated, based on \$5 per gallon exceeding 1,000 gallons spill, which is for a spill volume of 94,900 gallons.

**Settlement Consideration:** The Discharger provided the Central Valley Water Board Prosecution Team additional evidence indicating the spill amount was significantly less given the power consumption during the respective time period and field conditions. The Discharger submitted documentation to the Central Valley Water Board Prosecution Team, including rainfall data, indicating that the sewage overflow was caused by heavy rainfall occurring from March 18, 2011 to March 25, 2011, and that the maximum duration of any overflow was twelve days and therefore the maximum estimated overflow would be 38,300 gallons. The volume of the March 2011 spill was adjusted downward after investigation conducted by both parties and ultimately set at 38,300 gallons.

Case 2 (August 2010 spill). Similar to Case 1, the District violated Statewide General WDRs for Prohibition C.1 and WDRs for Discharge Prohibition A.1 and A.2 for discharges or overflow of 59,000 gallons of untreated wastewater (raw sewage) to waters of the United States (e.g., Pine Mountain Lake). The District violated the Statewide General WDRs Provision D.3 for failure to take all feasible steps to eliminate SSOs and Provision D.8 for failure to properly manage, operate, and maintain the sewage collection system. The District also has failed to adequately train staff on the Statewide General WDR's reporting requirements.

In accordance to the Water Quality Enforcement Policy, in this case a High Volume Discharge does not apply since the 59,000-gallon spill occurred during dry weather conditions in August 2010. The initial spill volume reported by the District is 50 gallons and the District disputes that the 59,000-gallon sewage spill reached the lake. The location of the manhole where the sewage spill occurred is 30 feet upgradient of the lake and the sewage very likely reached the lake. This sewage spill reaching the lake is supported by two witnesses including one whistleblower (for 22 August) and an arborist (for 20 August). Board staff's 18 May 2011 inspection observation of the spill site topography also supports the conclusion that a sewage spill of such volume would have reached the lake. Board staff also simulated a sewage spill by running tap water over the manhole and, once the ground was moist, it took about 4.3 minutes for the water to reach the lake edge at a 5.9 gpm flow rate.

In this case, Board staff recommends the deviation from the requirements described above as *Major*. The Major deviation from the requirement is defined as where the requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).

In this case, Statewide General WDRs, Prohibition C.1, and WDRs Discharge Prohibitions A.1 and A.2 requirements were disregarded. Also, the Statewide General WDRs Provisions D.3 and D.8 were also disregarded because the District was negligent in taking steps to eliminate SSOs and neglected to properly manage, operate, and maintain the sewage collection system. The Lift Station 2 single pump was not wired correctly by District staff, only one pump was installed, and the second pump was installed in late March 2011. This lift station is adjacent to the lake and a secondary pump for emergency was essential and standard practice. The District staff also failed to inspect the lift station after it was modified to assure proper operation of the lift station components.

CWC section 13385(c)(2) allows for an additional liability of ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons. In this case, staff recommends that \$10 per gallon be used as the maximum liability per gallon. Therefore, the additional liability is calculated based on \$10 per gallon exceeding 1,000 gallons spill, which is a spill volume of 58,000 gallons.

In addition to the above violations of requirements, the District is in violation of Statewide General WDRs reporting requirements, which require Category 2 SSO (SSO ID# 758338) be reported 30 days after the month in which SSO occurred. In this case, a spill started on 17 August 2010, was discovered by 22 August 2010, and reported to CIWQS database by 3 November 2010 when Board staff notified the District on 21 October 2010. In accordance to Statewide General WDRs, the Category 2 SSO should have been reported to CIWQS database by 1 October 2010; however, the District reported the spill on 3 November 2010, 32 days late. Board staff investigation revealed this was a Category I SSO. This violation liability may be considered under Step 3 for *Per Day Assessments for Non-Discharge* violations. However, Board staff does not recommend pursuing this enforcement at this time.

**Settlement Consideration:** The Prosecution Team agreed to accept the Discharger's volume of 29,193 for the August 2010 spill as well as reduce the statutory maximum multiplier per day factor, and use \$5 per gallon.

Case 1 (March 2011). Per Gallon Factor is 0.5 from Table 1 using Deviation from Requirement of *Moderate* and Potential for Harm of 9 value.

Case 2 (August 2010). Per Gallon Factor is 0.6 from Table 1 using Deviation from Requirement of *Major* and Potential for Harm of 8 value.

#### Per Day Assessments for Discharge Violations

Where there is a discharge, the Water Boards shall determine an initial liability factor per day based on the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 2, below, to determine a Per Day Factor for the violation. The per day assessment would then be the Per Day Factor multiplied by the maximum per day amount allowed under the California Water Code.

The Potential for Harm factors were determined in Step 1 for both cases. The Extent of Deviation from Requirement of Violation is the same as Per Gallon Assessments for Discharge Violations and summarized below.

Case 1 (March 2011). Staff recommends the deviation from the requirements as *Moderate*.

Case 2 (August 2010). Staff recommends the deviation from the requirements as *Major*.

CWC section 13385(c)(1) allows for additional ten thousand dollars per day (\$10,000) for each day in which the violation occurs.

Case 1 (March 2011). The sewage spill started 30 days before the sewage spill was discovered on 30 March 2011, so a violation occurred for 30 days.

**Settlement consideration:** After additional investigation, the spill appeared to have a duration of approximately 12 days.

Case 2 (August 2010). The sewage spill started on 17 August 2010, six days before the sewage spill was discovered by the District on 22 August 2010, and so a violation occurred for 6 days.

**Settlement consideration:** The Prosecution Team agreed to count this spill as occurring for 5 days.

Therefore, the Per Day Factors for two cases are:

Case 1. Per Day Factor is 0.5 from Table 2 using Deviation from Requirement of *Moderate* and Potential for Harm of 9 value.

Case 2. Per Day Factor is 0.6 from Table 2 using Deviation from Requirement of *Major* and Potential for Harm of 8 value.

**Initial Amount of Recommended Penalty:**

**Case 1 (March 2011). \$153,250 and is calculated from the following formula**

Number of Gallons (37,300) X Max per Gallon (\$5) X Per Gallon Factor (0.5) +  
Number of Days (12) X Maximum Penalty (\$10,000) X Per Day Factor (0.5) = **\$153,250**

Note: The per day and per gallon factors are 0.5 for Case 1 and are from Tables 1 & 2 of the Water Quality Enforcement Policy and shown below. Similarly, per day and per gallon factors for Case 2 are 0.6. The Potential Harm factor was calculated from Step 1 and the Deviation from Requirement factor was recommended in Step 2.

**Tables 1 & 2 of the Water Quality Enforcement Policy (Combined)**

Deviation form Requirement	Potential for Harm (per gallon factors and per day factors)									
	1	2	3	4	5	6	7	8	9	10
Minor	0.005	0.007	0.009	0.011	0.060	0.080	0.100	0.250	0.300	0.350
Moderate	0.007	0.010	0.013	0.016	0.100	0.150	0.200	0.400	<b>0.500</b>	0.600
Major	0.010	0.015	0.020	0.025	0.150	0.220	0.310	<b>0.600</b>	0.800	1.000

**Case 2 (August 2010). \$114,579 and is calculated from the following formula**

Number of Gallons (28,193) X Max per Gallon (\$5) X Per Gallon Factor (0.6) +  
 Number of Days (5) X Maximum Penalty (\$10,000) X Per Day Factor (0.6) = **\$114,579**

**Therefore Step 2 total Initial Amount of ACL is: \$153,250 + \$114,579 = \$267,829**

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

Case 1 (March 2011). For this case does not apply.

Case 2 (August 2010). Board staff does not recommend pursuing enforcement for non-discharge violation at this time. However, under CWC section 13350, the District could be assessed \$5,000 per day for failure to report.

**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 cleanup or cooperate with regulatory authority, and the violator’s compliance history.

Culpability

Adjustments should result in a multiplier between 0.5 and 1.5, with the lower multiplier for accidental incidents, and a higher multiplier for negligent behavior.

Case 1 (March 2011). The District was given a neutral multiplier value of 1.

Case 2 (August 2010). The District was given a higher multiplier value of 1.3 because the violations resulted from District’s failure to properly operate and maintain the lift stations and collection lines. The District also has disagreed that the sewage spill flowed overland and into the lake. This multiplier has the effect of increasing the base liability.

Cleanup and Cooperation

Adjustments should result in a multiplier between 0.75 and 1.5, with the lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent.

Case 1 (March 2011). The District was given a neutral multiplier value of 1.0, which neither increases nor decreases the violation amount. In this case, the District reported the spill (and modified the report as updated information was available), but cleanup was limited due to proximity of the spill to the creek.

Case 2 (August 2010). The District was given a higher multiplier value of 1.3. In this case, the District reported the spill after Board staff initiated its investigation of unreported spill and the cleanup was limited to the immediate area of the manhole. No bacteriological samples from the lake were collected nor were attempts made to contact Board staff or Tuolumne County Environmental Health Department (TCEHD). This multiplier has the effect of increasing the base liability.

#### History of Violations

The District has a history of significant sewage spills. From January 2000 through March 2001, several raw sewage spills totaling 1,000 gallons and several effluent spills totaling 35,000 gallons reached surface waters or surface water drainages. The Executive Officer issued an ACLC and settled for the amount of \$35,000 in 2001.

From December 2004 through December of 2010, the District also reported two additional sewage spills (31 December 2004 and 24 January 2007) totaling 54,500 gallons, which reached surface waters or surface water drainages.

Board staff recommends a factor of 1, a neutral value, be used for Case 1 (March 2011) and for Case 2 (August 2010) a factor of 1.1.

#### **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.

Case 1. (Initial Liability Amount (\$153,250) X Adjustment Factors (1)(1)(1) = \$153,250

Case 2. (Initial Liability Amount (\$114,579) X Adjustment Factors (1.3)(1.3)(1.1) = \$213,002

**Total Base Liability Amount: \$366,252 [\$153,250 for Case 1 + \$213,002 for Case 2]**

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

The District WWTF is a not-for-profit enterprise and is publicly owned and operated. The District has approximately 1,500 sewer service connections. The proposed ACL would equate to \$244 per service connection. The District's fiscal year annual operations budget (revenues) for 2010-2011 was \$6 million (1.4 million from wastewater) and for 2009-2010 was \$6.6 million (1.4 million from wastewater). The total expenditures for 2010-2011 fiscal year was \$5.9 million and for 2009-2010 fiscal year was \$6.5 million.

The District is unable to borrow money from a financial institution to pay the total liability amount due to covenants existing in existing bond financing in 2007. Groveland Community Services District had an opportunity to provide "inability to pay" information during settlement

discussions and is waiving the affirmative defense of inability to pay for purposes of this settlement agreement only. This keeps the total base liability amount for the District at \$366,252 as proposed.

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

If the Regional 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.

##### **Costs of Investigation and Enforcement Adjustment**

The costs of investigation and enforcement are “other factors as justice may require”, and should be added to the liability amount. The Regional Water Board has incurred \$16,000 in staff costs for 107 hours associated with the investigation of the violation and preparation of the enforcement action. These costs will continue to increase if this matter is not resolved by settlement and proceeds to hearing.

#### **Step 8 – Economic Benefit**

An economic benefit gained from failure to report and cleanup sewage spills has not been determined and would be a more complex task for the Board staff to evaluate. The District’s annual sewage collection line maintenance for fiscal year 2010-2011 was about \$130,000, which is 2 percent of their total revenue of \$6 million. The majority of District’s collection lines and lift stations are adjacent to surface waters, which makes maintenance and spill response more critical than in an average system. The Prosecution Team believes that this settlement captures the economic benefit received by the Discharger, which includes, but is not necessarily limited to, several years of poor operation & maintenance of the lift stations and the collection system, negligent reporting of sewage spills to the Central Valley Water Board (e.g., volumes, occurrences, reporting, etc.), and lack of an effective Sewer System Management Plan.

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

The maximum and minimum amounts for Cases 1 and 2 violations must be determined for comparison to the amounts being proposed.

##### **Maximum Liability Amount**

The maximum administrative civil liability is the amount, which can be imposed under CWC section 13385. CWC section 13385(c)(1), allows for additional ten thousand dollars per day (\$10,000) for each day in which the violation occurs. Also, CWC section 13385(c)(2) allows for an additional liability of ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

Case 1 (March 2011). The maximum ACL is **\$493,000** and calculated by multiplying (\$10,000) by (12 days of violation) plus (\$10 per gallon) multiplied by (38,300 gallons minus 1000 gallons), which is equal to \$493,000.

Case 2 (August 2010). The maximum ACL is **\$331,930** and calculated by multiplying (\$10,000) by (5 days of violation) plus (\$10 per gallon) multiplied by (29,193 gallons minus 1000 gallons), which is equal to \$331,930.

**Therefore the total maximum liability amount is \$824,930**, which is the sum of Case 1 and Case 2.

Minimum Liability Amount

The minimum liability amount does not apply for these two cases.

**Step 10 – Final Liability Amount**

The final liability amount consists of the added amounts for each violation, with any allowed Adjustments and staff costs, provided the amounts are within the statutory minimum and maximum amounts. See Table 3 below for summary of adjustment factors.

Central Valley Water Board staff's recommended Total Final Liability Amount is **\$382,252** which is within the statutory minimum of \$0 and maximum \$824,930. This recommendation is without further investigation of the other sewage spills, calculation of economic benefits, and additional staff time to prepare ACLC.

**Table 3. Final Liability Amount Adjustment Factors Recommended**

<b>Adjustment Factors</b>	<b>Range</b>	<b>Factors Used for Case 1 Mach 2011 spill</b>	<b>Factors Used for Case 2 August 2010 spill</b>
Harm or Potential Harm to Beneficial Uses	0 to 5	4	3
Physical, Chemical, Biological or Thermal Characteristics of the Discharge	0 to 4	4	4
Susceptibility to Cleanup or Abatement	0 or 1	1	1
Final Score	0 to 10	9	8
Per Gallon Assessment	Minor, Moderate, Major	Moderate	Major
Per Day Assessment	Minor, Moderate, Major	Moderate	Major
Culpability	0.5 to 1.5	1.0	1.3
Cleanup and Cooperation	0.75 to 1.5	1.0	1.3
History of Violations	Subjective, based on history	1.0	1.1
Ability to Pay	Based on financial information	1	1
Other Factors as Justice May Require	Subjective, based on investigation	1	1

Adjustment Factors	Range	Factors Used for Case 1 Mach 2011 spill	Factors Used for Case 2 August 2010 spill
Economic Benefit	Subjective, based on investigation	1	1

**Final Settlement Considerations:** While the Prosecution Team's recommended liability is **\$382,252**, settlement considerations, including litigation risk (see Enforcement Policy, pg. 22) ultimately resulted in the Parties agreeing to resolve the Covered Matters as defined in the Settlement Agreement and Stipulation for **\$375,000**. This figure was derived from reductions in the volume calculated for both the March 2011 and August 2010 spill, consistent with evidence put forth by Groveland, as well as the theories advanced by Groveland regarding the duration of each spill. The Prosecution Team used its discretion to reduce the statutory maximum of \$10.00 per gallon and instead use \$5 per gallon for each spill. This amount generated an appropriate penalty and resolved the outstanding violations, and is consistent with the Enforcement Policy. Groveland has chosen to select an appropriate ECA. Any ECA must comply with the State Water Resource Control Board's policy on Enhanced Compliance Actions, and such a project allows this community to keep tax dollars in the area and we anticipate that a successful ECA can help prevent future water quality impacts. In conclusion, the Prosecution Team recommends this proposed Settlement Agreement and Stipulation be adopted, as it complies with the Enforcement Policy, is fair and reasonable, and is in the best interest of the public.

## ATTACHMENT B

### GROVELAND COMMUNITY SERVICES DISTRICT ECA SUMMARY Tuolumne County

Attachment To Settlement Agreement and Stipulation Order R5-2013-0542

#### **Enhanced Compliance Action: Wastewater Treatment Facility Project**

**Background.** The activated sludge treatment process in use at Groveland Community Services District (the "District") involves the operation of an aerobic digester process. As a continuing element of the treatment process, waste activated sludge is removed from the clarifier and sent to the aerobic digester for further biological activity in reduction of the solids content of the sludge. This process ultimately results in generated sludge being pumped out to eight (8) drying beds, which are in use at the Wastewater Treatment Facility ("WWTF"). A diagram of the process as modified by the proposed project is attached as Exhibit 1.

Operations staff uses a combination of polymer additives and settling time to condense the solids in the digester, separating the supernate (clear water), which is returned to the headworks of the plant, and the accumulated dense solids that build up in the Digester until there is no more room. This sludge is wasted to the drying beds

The sludge drying beds are currently sufficient to meet the District's operational needs. However, the drying beds are susceptible to rain infiltration and are limited in exposure to direct sunlight, both of which can inhibit the drying process. This area of the treatment process has the potential to cause significant operating issues if the dense sludge requires extended drying time that could result in the accumulation of sludge at the WWTF in an amount that would exceed the District's storage capacity.

**Project Objective.** The District's WWTF is located at 18966 Ferretti Road in Groveland, about 200 yards from Garrotte Creek. Garrotte Creek is a tributary to Pine Mountain Lake, Big Creek and the Tuolumne River. The objective of the project is to greatly reduce the potential of an overflow of sewage at the WWTF into the local water body and thereby reduce the likelihood of causing or contributing to a water quality/contamination issue for Garrotte Creek and its tributaries. The District currently has a choke point/bottleneck in the wastewater treatment process at the WWTF. The WWTF's capacity is directly controlled by the District's ability to handle sludge and sludge removal as it leaves the aerobic digester via wasted sludge on the way to the drying beds. The proposed project would enable the District to more effectively and efficiently dewater the sludge prior to going to the sludge drying beds. The District will be able to increase its sludge handling capacity significantly and reduce its sludge volume and weight. This project will also significantly reduce sludge drying time and, by additional sludge dewatering, reduce the need for expanded storage areas, which will not only significantly lower the risk of a sewage spill from the WWTF, but also reduce the cost of hauling sludge offsite.

For the purpose of satisfying the ECA requirements of \$187,500, the District will install a sludge belt press or centrifuge for the WWTF solids handling process. District ECA project activity, description, schedule, and budget are listed below.

**ATTACHMENT B**

**GROVELAND COMMUNITY SERVICES DISTRICT ECA SUMMARY  
Tuolumne County**

Attachment To Settlement Agreement and Stipulation Order R5-2013-0542

<b>Activity</b>	<b>ECA Project Description or Goal</b>	<b>Schedule in Months</b>	<b>Budget/ Cost</b>
<b>Preliminary Design</b>	Design and size sludge belt press or centrifuge press for the Wastewater Treatment Facility solids process	12	\$10,000
<b>District Board Approval</b>	District will submit a District Board resolution approving work to be completed and provide funding for the ECA amount of \$187,500.	8	Not applicable
<b>Prepare a Request for Proposal (RFP)</b>	Based on the accepted preliminary design, the District will draft an RFP and select an engineering firm for final design	4	Not applicable
<b>Final Design</b>	Consultant will prepare plans and specifications, provide bidding assistance & construction support for all the tasks.	17	\$10,000
<b>Bidding</b>	District will prepare bid documents for construction of the project.	4	Not applicable
<b>Construction</b>	Install sludge belt press or centrifuge press for the Wastewater Treatment Facility solids handling process	12	\$167,500
<b>Quarterly Progress Reports</b>	Submit quarterly progress reports describing the project work completed to date to fulfill the ECA.	<b>Due by</b> (three months after start of Preliminary Design activity and thereafter)	Not applicable
<b>Final Report</b>	Submit a summary of all tasks completed, an analysis of the success of the project, and a post-project accounting of all the expenditures. The accounting must demonstrate whether the final cost of the successfully completed ECA project is less than, equal to, or more than the suspended liability amount of \$187,500.	<b>Due by an agreed date</b> (3 months after construction completed)	Not applicable
<b>Total</b>		<b>60</b>	<b>\$187,500</b>

1. The project tasks are subject of District Board approval and the work will start immediately after adoption of a District Board resolution approving the work and funding.

**ATTACHMENT B**

**GROVELAND COMMUNITY SERVICES DISTRICT ECA SUMMARY  
Tuolumne County**

Attachment To Settlement Agreement and Stipulation Order R5-2013-0542

2. Although project tasks are subject to unforeseeable/uncontrollable delays (e.g., inclement weather or excessive rock in excavations), the project, including final report submittal, will be completed within five years.
3. ECA projects are projects that enable a discharger to make capital or operational improvements beyond those required by law, and are separate from projects designed by merely bringing discharger into compliance. Specifically, District ECA project tasks cannot include items that are already required or recommended by the District to stay in compliance with Waste Discharge Requirements Order 87-121 and Cleanup and Abatement Order 5-01-0713.

ATTACHMENT C  
 ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2013-0542  
 GROVELAND COMMUNITY SERVICES DISTRICT

<u>CIWQS Event ID</u>	<u>SSO Category</u>	<u>Start Date</u>	<u>SSO Address</u>	<u>Volume of SSO</u>	<u>Volume of SSO Recovered</u>	<u>Volume of SSO Reached Surface Water</u>
789773	Category 1	2013-01-05 0:1:30:00.0	12742 Par Ct.	333,000	0	333,000
776341	Category 1	2012-01-18 17:09:00.0	19455 Pleasant View Drive	100	50	5
770920	Category 2	2011-09-12 09:15:00.0	18966 Ferretti Road	200	150	0
767856	Category 2	2011-06-27 05:30:00.0	Entrance to GCSD WWTP Road	100	0	0
765005	Category 1	2011-03-29 15:27:00.0	17620 School Street	96,000	100	95,900
761688	Category 2	2011-01-23 10:00:00.0		30	30	0
759057	Category 2	2010-11-13 00:00:00.0		50	0	0
758338	Category 1	2010-08-20 08:20:00.0		59,000	50	58,950