

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2007-0029
MANDATORY MINIMUM PENALTY
IN THE MATTER OF
ORMAT NEVADA, INC., GEOTHERMAL POWER PLANT (HEBER 1), OWNER/OPERATOR
NPDES NO. CA0104965
HEBER - IMPERIAL COUNTY**

This Order to assess Administrative Civil Liability (ACL), pursuant to California Water Code (CWC) Section 13385, is issued to Ormat Nevada, Inc. (hereinafter Discharger) based on a finding of violations of NPDES Waste Discharge Requirements (WDRs) Board Order No. R7-2005-0066 (NPDES Permit No. CA0104965).

The Colorado River Basin Regional Water Quality Control Board (Regional Board) finds the following:

1. Ormat Nevada, Inc., 6225 Neil Road, Suite 300, Reno, NV 89511-1136, owns and operates a geothermal power plant, located at 895 Pitzer Road, Heber, CA 92249.
2. The power plant is located in Imperial County, south of the City of Heber in the S ½ of Section 34, T16S, R14E, SBB&M.
3. The Discharger uses naturally occurring geothermal steam to run turbines, which produce electricity in its cooling operations. Incoming water is treated with chemicals to prevent fouling, corrosion, and growth of algae.
4. The Discharger uses Imperial Irrigation District Canal water in the cooling tower. Incoming water is treated with the following chemicals:

| <u>Chemicals</u> | <u>Purpose</u> |
|------------------|--------------------------------------|
| Power Chem 3842 | Dispersant scale/corrosion inhibitor |
| Power Chem 3732 | Biodispersant/microbial agent |

5. The Discharger discharges cooling tower blowdown wastewater into the Strout Drain. The wastewater flows from the Strout Drain into the Alamo River and then into the Salton Sea. Strout Drain, Alamo River, and Salton Sea are waters of the United States.

A. VIOLATIONS OF CLEANUP AND ABATEMENT BOARD ORDER NO. R7-2004-0099

1. On June 28, 2000, the Regional Board adopted WDRs Board Order No. 00-072 (NPDES Permit No. CA104965). The Board Order contains discharge specifications, and provisions necessary for the protection of State Waters.
2. Provision No. 23 of Board Order 00-072 directed the Discharger by May, 2001 to begin monitoring its effluent for the presence of 17 toxic equivalency factors each year for a period of three years.

3. On May 9, 2001, Board Order No. 01-095 amended Board Order No. 00-072 to change the facility name from Heber Geothermal Company to Covanta Heber Geothermal and on March 30, 2004, Board Order No. R7-2004-0081 amended Board Order No. 01-095 to change ownership from Covanta Heber Geothermal to Ormat Nevada, Inc.
4. Monitoring Reports submitted by the Discharger showed that the wastewater discharged from the Discharger's Geothermal Power plant to the Strout Drain was in chronic violation of its effluent chronic toxicity limitations.
5. On November 10, 2004, the Regional Board's Executive Officer issued to the Discharger CAO No. R7-2004-0099 pursuant to CWC Sections 13304 and 13267.
6. CAO No. R7-2004-0099 required the Discharger to conduct the Toxicity Identification Evaluation (TIE) Phase 1, 2, 3, and to submit to the Regional Board the Toxicity Reduction Evaluation (TRE) workplan by May 15, 2005 for approval. Failure to comply with the provisions of this Order may subject the Discharger to further enforcement actions. Such actions may include, but not be limited to, the assessment of ACL pursuant to CWC Sections 13268, 13323, and 13350 and referral to the Attorney General of the State of California for any injunctive relief and civil or criminal liability.
7. The Discharger failed to submit the TRE in a timely manner. The TRE report was due on May 15, 2005. The Discharger submitted a TRE report, dated November 10, 2005. As of the due date of the Order, the TRE report was delinquent 179 days.
8. CWC Section 13350 states, in part, that:
 - “(a) Any person who (1) violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board..., shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
 - “(e) The state board or a regional board may impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 either on a daily basis or on a per gallon basis, but not both.”
 - “(1) The civil liability on a daily basis may not exceed five thousand dollars (\$5,000) for each day the violation occurs.”
 - (B) “When there is no discharge, but an order issued by the regional board is violated, except as provided in subdivision (f), the civil liability shall not be less than one hundred dollars (\$100) for each day in which the violation occurs.”
 - “(f) A regional board may not administratively impose civil liability in accordance with paragraph: (1) of subdivision (e) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based upon the specific factors required to be considered pursuant to Section 13327.”

9. CWC Section 13323 states:

“(a) Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision of law authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.”

10. CWC Section 13327 states:

“In determining the amount of civil liability, the regional board, and the state board upon review of any order pursuant to Section 13320, shall take into consideration 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 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.”

11. The factors in Finding No. A.10, above, are evaluated for the violations at issue as follows:

a. Nature, circumstance, extent, and gravity of the violation

Failure to submit the TRE report in a timely manner is a significant violation because the Regional Board relies on the report to determine the source of toxicity, to evaluate the plan design criteria and treatment performance, the seasonal monitoring data, the operational and maintenance practices, and to address the control methods and technologies needed to achieve compliance with the permit limits for effluent toxicity.

b. Susceptibility of discharge to cleanup or abatement, and degree of toxicity of discharge

Cleanup or abatement is not applicable to failure to submit the TRE report. Toxicity of discharge cannot be addressed.

c. Prior history of violations

The Discharger has submitted its quarterly reports from January until April 2005 in a timely manner.

d. Degree of culpability

The Discharger is required to comply with the CAO No. R7-2004-0099. The Discharger is fully culpable for violating the terms and conditions of the CAO Order.

e. Savings resulting from the violation

The Discharger has realized cost savings by: failure to prepare the TRE report, and failure to implement the selected toxicity control system in a timely manner.

f. Discharger's ability to pay

The Discharger has not demonstrated an inability to pay the proposed amount.

g. Other matters that justice may require

Staff time to prepare a complaint and supporting information is estimated to be 50 hours. Based on an average cost to the State of \$100 per hour, the total cost is \$5,000.

12. A \$15,000 Administrative Civil Liability is appropriate based on the determination in Finding No. A.11. This amount includes staff costs of \$5,000 (\$10,000 liability plus \$5,000 staff costs).

B. VIOLATIONS OF BOARD ORDER NO. R7-2005-0066

1. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
2. CWC Section 13385 (h)(2) states, in part, the following:

“For the purposes of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more or for a Group I pollutant by 40 percent or more as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations.”

3. CWC Section 13385(i) requires the Regional Board to assess a MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a six-month period:
 - a. Violates a waste discharge requirement effluent limitation.
 - b. Fails to file a report pursuant to Section 13260.
 - c. Files an incomplete report pursuant to Section 13260.
 - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.

4. CWC Section 13385(i)(2) states:

“For the purposes of this section [13385] a ‘period of six consecutive months’ means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.”

5. CWC Section 13385(l) states:

“(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project (SEP) in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed

fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

“(2) For the purposes of this section, a ‘supplemental environmental project’ means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.”

6. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section IX of the Enforcement Policy, among other requirements, SEPs proposed by the Discharger must “enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and that, at the time they are included in an ACL action, are not otherwise required of the discharger.” (Enforcement Policy, pp. 42-43).
7. On June 29, 2005 the Regional Board adopted WDRs Order No. R7-2005-0066 (NPDES Permit No. CA0104965) to regulate discharges of waste from Ormat Nevada, Inc. geothermal power plant facility.
8. WDRs Board Order No. R7-2005-0066 contains the following effluent discharge limitations:

[1.a.] Final Effluent Limitations – Discharge Point 001 (Strout Drain)

“The discharge of cooling tower blowdown and steam condensate shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program.”

| Constituents | Units | Effluent Limitations | |
|------------------------------|----------------------|----------------------|---------------|
| | | Average Monthly | Maximum Daily |
| Total Suspended Solids (TSS) | mg/L | 10 | 14 |
| | lbs/day ¹ | 359 | 502 |

[2.a.] Interim Effluent Limitations

“During the period beginning June 29, 2005 and ending on June 29, 2010, the discharge of cooling tower blowdown and steam condensate shall maintain the following limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E). These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.”

| Constituents | Units | Effluent Limitations | |
|--------------|-------|----------------------|---------------|
| | | Average Monthly | Maximum Daily |

¹ Based on a flow of 4.3 mgd

| | | | |
|---------|----------------------|-------|-------|
| Mercury | μ/L | 0.2 | 0.2 |
| | lbs/day ¹ | 0.007 | 0.007 |

9. Monitoring Reports submitted by the Discharger shows that the wastewater discharged from the Discharger’s geothermal power facility to the Strout Drain was in violation of its Waste Discharge Requirements effluent limitations cited in Finding No. 8 above.
10. A summary of each violation of Board Order No. R7-2005-0066 is contained in Attachment “A,” which is incorporated in and made a part of this ACL Order No. R7-2007-0029 by reference.
11. On January 12, 2007, the Regional Board Assistant Executive Officer issued ACL Complaint No. R7-2007-0019 proposing that the Discharger pay one hundred twenty-three thousand dollars (\$123,000) in ACL (MMP) for the violations.
12. The Regional Board has notified the Discharger and the general public of its intent to hold a Hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a Hearing under CWC Section 13323(b). The Discharger waived its right to a Hearing on this matter as set forth in Attachment “B”.
13. On February 7, 2007, the Discharger proposed the implementation of a SEP described in Attachment “B”, which is made a part of this ACL Order by reference. The Regional Board approved the SEP as proposed. The ACL Complaint was rescinded on February 28 2007.
14. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
15. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15321(a)(2) (Enforcement Actions by Regulatory Agencies), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed one hundred twenty-three thousand dollars (\$123,000) in ACL (MMP) for the violations set forth in Attachment “A”. In lieu of paying an ACL in the amount of one hundred twenty-three thousand dollars (\$123,000), the Discharger shall pay a reduced penalty amount in accordance with CWC Section 13385(l) and shall implement the proposed SEP described in Attachment “B” in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of SEPs.
2. The SEP shall be implemented in accordance with the time schedule stipulated in Attachment “C”, appended to and made a part of this Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for the SEP if he determines that a delay is necessary for a

² Based on a flow of 4.3 mgd

2. The SEP shall be implemented in accordance with the time schedule stipulated in Attachment "C", appended to and made a part of this Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for the SEP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDR, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. The suspended portion of the proposed ACL penalty of \$123,000 that is hereby directed to be expended on the SEP is \$69,000. The Discharger shall pay within thirty (30) days of the date of this Order the remaining portion of \$54,000. Payment by check of this amount shall be made payable to the "State Water Pollution Cleanup and Abatement Account" and mailed to the address shown in paragraph 7 below.
4. If the Discharger completes a stipulated phase of the SEP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "C", \$69,000 shall be permanently suspended. Similarly, if the Discharger fails to complete any stipulated phase of the SEP to the satisfaction of the Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing.
5. Previously suspended amounts do not relieve the Discharger of the independent obligation to take necessary actions to achieve compliance.
6. Completion of the SEP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.
7. The Discharger shall submit all unspent ACL amounts, made payable to the "State Water Pollution Cleanup and Abatement Account", to the following address:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 21, 2007.


ROBERT PERDUE, Executive Officer

Administrative Civil Liability Order No. R7-2007-0029
Ormat Nevada, Inc.
Heber Geothermal Company Facility

| Assessed Violation¹ No. | Description of Violation | Serious Violation As Defined by CWC 13385(h) | Date Occurred | Amount Assessed Dollars (\$) |
|---|--|---|----------------------|-------------------------------------|
| 365273 | Exceeded maximum daily of 14 mg/L TSS ² Reported as 17 mg/L | No | 09/17/2005 | 0 ³ |
| 365266 | Exceeded average monthly of 10 mg/L TSS Reported as 11 mg/L | No | 09/30/2005 | 0 ³ |
| 395968 | Exceeded maximum daily of 14 mg/L TSS Reported as 22 mg/L | Yes | 11/28/2005 | 3,000 |
| 395970 | Exceeded average monthly of 10 mg/L TSS Reported as 22 mg/L | Yes | 11/30/2005 | 3,000 |
| 395861 | Exceeded maximum daily of 14 mg/L TSS Reported as 15 mg/L | No | 12/05/2005 | 3,000 |
| 365862 | Exceeded maximum daily of 14 mg/L TSS Reported as 25 mg/L | Yes | 12/27/2005 | 3,000 |
| 365863 | Exceeded maximum daily of 502 lbs/day TSS Reported as 596 lbs/day | No | 12/27/2005 | 3,000 |
| 365864 | Exceeded average monthly of 10 mg/L TSS Reported as 13 mg/L | No | 12/31/2005 | 3,000 |
| 369024 | Exceeded maximum daily of 14 mg/L TSS Reported as 20 mg/L | No | 01/03/2006 | 3,000 |
| 369026 | Exceeded interim maximum daily of 502 lbs/day TSS Reported as 526 lbs/day | No | 01/03/2006 | 3,000 |
| 369030 | Exceeded interim maximum daily of 0.2 µg/L Mercury Reported as 0.3 µg/L | Yes | 01/03/2006 | 3,000 |
| 369031 | Exceeded interim maximum daily of 0.007 lbs/day Mercury Reported as 0.008 lbs/day | Yes | 01/03/2006 | 3,000 |
| 369027 | Exceeded maximum daily of 14 mg/L TSS Reported as 17 mg/L | No | 01/23/2006 | 3,000 |
| 369032 | Exceeded interim average monthly of 0.2 µg/L Mercury Reported as 0.3 µg/L Mercury | Yes | 01/31/2006 | 3,000 |
| Assessed Violation¹ | Description of Violation | Serious Violation Defined by CWC | Date Occurred | Amount Assessed |

¹ Data Source: California Integrated Water Quality System (CIWQS)

² Total Suspended Solids

³ This is a supporting violation

¹ Data Source: California Integrated Water Quality System (CIWQS)

Administrative Civil Liability Order No. R7-2007-0029
Ormat Nevada, Inc.
Heber Geothermal Company Facility

| No. | | 13385(h) | | Dollars (\$) |
|---|--|---|----------------------|-------------------------------------|
| 369034 | Exceeded interim average monthly of 0.007 lbs/day Mercury Reported as 0.008 lbs/day | Yes | 01/31/2006 | 3,000 |
| 408742 | Exceeded maximum daily of 14 mg/L TSS Reported as 27 mg/L | Yes | 03/13/2006 | 3,000 |
| 408744 | Exceeded maximum daily of 502 lbs/day TSS Reported as 610 lbs/day | No | 03/13/2006 | 3,000 |
| 408746 | Exceeded maximum daily of 14 mg/L TSS Reported as 19 mg/L | No | 03/19/2006 | 3,000 |
| 408748 | Exceeded average monthly of 10 mg/L TSS Reported as 16 mg/L | Yes | 03/31/2006 | 3,000 |
| 423206 | Exceeded maximum daily of 14 mg/L TSS Reported as 33 mg/L | Yes | 04/03/2006 | 3,000 |
| 423209 | Exceeded maximum daily of 502 lbs/day TSS Reported as 706 lbs/day | Yes | 04/03/2006 | 3,000 |
| 423208 | Exceeded maximum daily of 14 mg/L TSS Reported as 21 mg/L | Yes | 04/10/2006 | 3,000 |
| 423210 | Exceeded interim average monthly of 10 mg/L TSS Reported as 16 mg/L | Yes | 04/30/2006 | 3,000 |
| 423183 | Exceeded maximum daily of 14 mg/L TSS Reported as 23 mg/L | Yes | 05/01/2006 | 3,000 |
| 423184 | Exceeded average monthly of 10 mg/L TSS Reported as 12 mg/L | No | 05/31/2006 | 3,000 |
| 436366 | Exceeded maximum daily of 14 mg/L TSS Reported as 34 mg/L | Yes | 06/05/2006 | 3,000 |
| 436370 | Exceeded maximum daily of 502 lbs/day TSS Reported as 897 lbs/day | Yes | 06/05/2006 | 3,000 |
| 436373 | Exceeded maximum daily of 14 mg/L TSS Reported as 50 mg/L | Yes | 06/12/2006 | 3,000 |
| 436374 | Exceeded average monthly of 10 mg/L TSS Reported as 23 mg/L | Yes | 06/30/2006 | 3,000 |
| Assessed Violation¹ No. | Description of Violation | Serious Violation As Defined by CWC 13385(h) | Date Occurred | Amount Assessed Dollars (\$) |

¹ Data Source: California Integrated Water Quality System (CIWQS)

Administrative Civil Liability Order No. R7-2007-0029
Ormat Nevada, Inc.
Heber Geothermal Company Facility

| | | | | |
|--------|---|-----|------------|-------|
| 436376 | Exceeded average monthly of 359 lbs/day TSS Reported as 399 lbs/day | No | 06/30/2006 | 3,000 |
| 449514 | Exceeded maximum daily of 14 mg/L TSS Reported as 28 mg/L | Yes | 08/07/2006 | 3,000 |
| 449515 | Exceeded average monthly of 10 mg/L TSS Reported as 16 mg/L | Yes | 08/31/2006 | 3,000 |
| 446500 | Exceeded maximum daily of 14 mg/L TSS Reported as 21 mg/L | Yes | 09/05/2006 | 3,000 |
| 446501 | Exceeded maximum daily of 14 mg/L TSS Reported as 19 mg/L | No | 09/11/2006 | 3,000 |
| 446502 | Exceeded maximum daily of 14 mg/L TSS Reported as 19 mg/L | No | 09/25/2006 | 3,000 |
| 446504 | Exceeded interim maximum daily of 0.2 µg/L Mercury Reported as 0.5 µg/L | Yes | 09/05/2006 | 3,000 |
| 446503 | Exceeded average monthly of 10 mg/L TSS Reported as 16 mg/L | Yes | 09/30/2006 | 3,000 |
| 446505 | Exceeded interim average monthly of 0.2 µg/L Mercury, Reported as 0.5 µg/L | Yes | 09/30/2006 | 3,000 |

Accrued Mandatory Minimum Penalties for violations of Board Order No. R7-2005-0066: \$108,000

ACL for violations of Cleanup and Abatement Board Order No. R7-2004-0099: \$15,000

TOTAL: \$123,000

ATTACHMENT "B"

ORMAT



February 26, 2007

Mr. Jose L. Angel
Assistant Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Attention: Doug Wylie

Re: Administrative Civil Liability Complaint No. R7-2007-0019

Dear Mr. Angel:

Per my letter dated February 7, 2007 Ormat Nevada Inc. Geothermal Power Plant (Heber 1), Imperial County proposes to fund a supplemental environmental project (SEP) in lieu of a portion of the proposed \$123,000 penalty. Based on discussions with Mr. Doug Wylie of your staff and Mr. Dan Cain of the Salton Sea Authority, we agree that \$50,000 will be used for the SEP for fish clean up at the Salton Sea and \$19,000 will still go to the Salton Sea Authority's SEP for Imperial Valley Wetlands Operation and Maintenance for a total of \$69,000 towards SEPs and the remaining \$54,000 still going to the "State Water Pollution Cleanup and Abatement Account" pending Board approval. We understand the fish kills so far this year have already been large due to the cold weather in January.

Please call me at 760-353-8200 ext. 421 if you have any questions or need more information.

Sincerely,

Lee Jensen
Heber Plant Manager

RECEIVED
FEB 28 2007
REGION 7

ORMAT Nevada

6225 Neil Road, Suite 300, Reno, NV, 89511-1136 • Telephone (775) 356-9029 • Facsimile (775) 356-9039

File: 7A 13 2160 001, Ormat #R7-2005-0066



**SALTON SEA AUTHORITY
COMMUNITY FISH CLEAN-UP
PROGRAM**

March 2, 2007

BACKGROUND:

The Salton Sea Authority (SSA) working in conjunction with the West Shores Chamber of Commerce, California Park Service, Salton Community Services District, Desert Shores Improvement Association, local businesses and Senator Denise Ducheny's office has created a Fish Clean-up Task Force and fish clean-up program that will address the issue of cleaning up fish along the beaches located in residential/public areas at the Salton Sea. The Department of Fish and Game, Department of Fish and Wildlife Service, and Regional Water Quality Control Board provide regulatory oversight for the program as part of their overall responsibilities. The program will solicit the help of local volunteers and also a team that will be on-call in the case of large die-offs that occur between volunteer clean-up days. The Authority will operate the program and the Task Force members will assist in program execution.

The Task Force plans to operate the program on two (2) predetermined dates throughout the year, one in mid February and the second in mid October, pending there are fish to be cleaned up. These dates would remain approximately the same for each year so the Task Force could plan for the events. This year our first volunteer clean-up day will be March 10, 2007. The event had to be postponed one month due to the lack of funds. The volunteer days will utilize help from the community and local media to clean up the following shorelines:

| | | | |
|--------------------|-------------------------|----------------------|----------------------------|
| <i>North Shore</i> | <i>Johnsons Landing</i> | <i>Desert Shores</i> | <i>Freebie Point</i> |
| <i>Rivera Keys</i> | <i>Salton Sea Beach</i> | <i>State Park</i> | <i>Salton Sea Dry Camp</i> |

The rest of the year, fish will be cleaned up on an ad-hoc basis by a team organized by the Salton Sea Authority pending available funding. It is important to note that shoreline clean-up can be done twice a year at a relatively low cost. However, the SSA's on water fish recovery program demonstrated that fish recovery done on open water at the Sea is possible, but the program is extremely expensive. The on water program that was designed to keep fish from reaching the beaches cost \$881,608 from 2001-2006. This includes the cost of capital equipment that is now owned by Environmental Recovery Solutions (ERS). During that period of time 100,000 lbs of fish were recovered by ERS from the sea which amounts to a recovery cost of \$9.00/lb. In retrospect, the shoreline cleanup program recovered 120,000 lbs of fish from July 2000 to December 2001 at a program cost of \$0.74/lb recovered. The ad hoc clean-up team will be paid

from funds available in the fish clean-up account which is managed and disbursed by the Salton Sea Authority.

Funding for the program will need to be obtained if the program is going to be a success. The Fish Clean-up Task Force anticipates that the program will cost approximately \$100,000/year to operate. The members also agreed that \$100,000 should be set aside to cover years with excessive die-offs. If the \$100,000 is not used in the current year the balance would carry over to the next year which would require less funding for that particular year. In years where massive die-offs occur clean-up efforts will be carried out until the account is depleted. This proposed budget will need to be revisited at the end of each year and adjusted based upon the costs of the previous year. To date the task force has solicited donations from program sponsors and raised \$850.00.

Yearly Cost Estimate for Community Fish Clean-Up

| Item | Cost |
|--|-------------------------|
| Administrative Costs | \$ 13,900.00 |
| Volunteer Days (2) | \$ 3,450.00 |
| Labor/Equipment (On-Call) | \$ 70,500.00 |
| Tipping Fees (500,000 lbs) | \$ 6,750.00 |
| Roll-off Dumpster from Waste Management | \$ 4,800.00 |
| Mileage | <u>\$ 600.00</u> |
| Total | \$ 100,000.00 |

Supplemental Environmental Projects For Region 7

Name of Organization: Salton Sea Authority
78-401 Highway 111, Suite T
La Quinta, CA 92253
info@saltonsea.ca.gov

Contact Person: Dan Cain, project Manager
DCain@saltonsea.ca.gov

Name of Project: Imperial Valley Wetlands Operation and Maintenance

Location of Project: Imperial County

Categories of SEP relevance: Pollution Prevention, Reduction, and Environmental Education

Project Description: The Citizens Congressional Task Force on the New River has three constructed wetlands in the Imperial Valley. One is located off of Weinert Rd. and is fed by water from the Rice 3 Drain. The second wetland project is located in Brawley and pumps water from the New River. The third wetland is located adjacent to the City of Westmorland's wastewater treatment plant and treats effluent from that treatment plant. The Salton Sea Authority (SSA) is working in conjunction with the Bureau of Reclamation (BOR), Imperial Irrigation District, and Desert Wildlife Unlimited as members of the Task Force to construct two more wetland sites. These sites are identified as Shank Road/Alamo River Wetlands (AR21) and Holtville/Alamo River Wetlands (AR30), and will be constructed along the Alamo River. The requested SEP funding will be allocated for O&M for the new Shank Road site, and the existing Imperial and the Brawley wetlands. The estimated yearly

Cost of project: \$32,450

ATTACHMENT "C"

STIPULATED TIME SCHEDULE
FOR THE IMPLEMENTATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECT

| Phase No. | Description of SEP | Completion Date | Due Date | Portion of ACL that May be Suspended |
|------------------|---|------------------------|---|---|
| 1 | Imperial Valley Wetlands Operation and Maintenance | March 24, 2008 | Final report due on or before April 25, 2008 | \$19,000 |
| 2 | Fish Clean Up Operation and Maintenance | March 24, 2008 | Final report due on or before April 25, 2008 | \$50,000 |