

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF NOVEMBER 12 AND 13, 2008
Barstow**

ITEM: 9

SUBJECT: CONSIDERATION OF A SETTLEMENT OF CLAIMS THROUGH THE ADOPTION OF AN ADMINISTRATIVE CIVIL LIABILITY ORDER FOR VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY, FOR VIOLATION OF EFFLUENT LIMITATIONS CONTAINED IN THE WASTE DISCHARGE REQUIREMENTS/FEDERAL NPDES PERMIT FOR THE REGIONAL WASTEWATER TREATMENT PLANT IN VICTORVILLE, SAN BERNARDINO COUNTY – WDID NO. 6B360109001

CHRONOLOGY: August 18, 2008 – Administrative Civil Liability Complaint No. R6V-2008-0020 issued.

ISSUES: Should the Lahontan Water Board adopt the proposed ACL Order effectuating a settlement between the Lahontan Water Board and the Victor Valley Wastewater Reclamation Authority (VWVRA)?

Does the proposed Minimum Mandatory Penalty of \$324,000 sufficiently address the alleged violations?

Does the proposed Supplemental Environmental Project (SEP) meet the criteria established by the State Water Board in its *Water Quality Enforcement Policy* (Enforcement Policy)?

DISCUSSION: Background
Victor Valley Wastewater Reclamation Authority (VWVRA) operates a wastewater treatment facility approximately five miles north of the City of Victorville. The facility operates under an NPDES permit issued by the Water Board (Order No. 6-99-58, updated by Order No. R6V-2008-0004). The facility discharges disinfected tertiary-treated wastewater to the Mojave River, and it discharges undischarged secondary-treated wastewater to a system of percolation ponds.

09-0001

from exceeding various effluent limits prescribed in the NPDES permit, and the violations are all subject to minimum mandatory penalties pursuant to the Water Code. On August 18, 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R6V-2008-0020 (Complaint) that imposes a minimum mandatory liability in the amount of \$324,000.

The Water Board's Prosecution Team and VVWRA have agreed upon a proposed settlement of the Complaint. The proposed settlement includes VVWRA paying an administrative civil liability of **\$324,000**, of which **\$170,380** will be a cash payment to the State Cleanup and Abatement Account and **\$153,620** will be directed to a Supplemental Environmental Project (SEP). The SEP extends the monitoring period of the Mojave River Characterization Study by an additional six months. The initial study was accepted by the Water Board in November, 2006, to settle a separate claim for administrative civil liability. The initial study included an 18-month monitoring period and was designed to characterize the water quality, biological resources, and beneficial uses of the Mojave River upstream and downstream of the VVWRA wastewater treatment facility discharge point. The initial study will provide information that can be used by local and regional resource protection and planning entities in their efforts to protect the Mojave River in an area experiencing rapid growth. The additional monitoring provided by the SEP will provide a more robust data set and the opportunity for a more comprehensive characterization of the Mojave River.

The SEP meets the criteria established by the State Water Board in its *Water Quality Enforcement Policy*, dated February 19, 2002, in that it (1) consists of measures that go above and beyond the current and future obligation of VVWRA; (2) will directly study surface water quality and associated beneficial uses; (3) will not directly benefit the Water Board functions or staff; and (4) is not otherwise required of VVWRA.

The SEP also has a nexus with the violations in that it (1) provides a water quality assessment in a water body impacted by VVWRA wastewater treatment facility discharges and (2) provides an updated characterization of existing beneficial uses in a water body impacted by VVWRA wastewater treatment facility discharges.

09-0002

A 30-day comment period was provided for the proposed settlement agreement, which ended November 4, 2008, at 5:00 p.m.

RECOMMENDATION:

Adoption of the Administrative Civil Liability Order as proposed.

ENCLOSURES:

1. Proposed Administrative Civil Liability Order with the following attachments:
 - A. September 23, 2008 SEP Proposal
 - B. Settlement Agreement
2. Administrative Civil Liability Complaint No. R6V-2008-0020

03-0003

ENCLOSURE 1

Proposed Administrative Civil Liability Order

09-0004

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6V-2008-(PROPOSED)

VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY,
FOR VIOLATION OF EFFLUENT LIMITATIONS CONTAINED IN THE WASTE
DISCHARGE REQUIREMENTS/FEDERAL NPDES PERMIT FOR THE REGIONAL
WASTEWATER TREATMENT PLANT IN VICTORVILLE,
SAN BERNARDINO COUNTY
WDID NO. 6B360109001

This Order is issued in reference to an adjudicative proceeding initiated by the issuance of Administrative Civil Liability Complaint No. R6V-2008-0020, dated August 18, 2008 ("Complaint"). The Parties to this proceeding are the Regional Water Quality Control Board, Lahontan Region ("Regional Water Board") Prosecution Team and the Victor Valley Wastewater Reclamation Authority ("Discharger") (collectively referred to as "Parties").

The Regional Water Board has been presented with a proposed settlement of the claims alleged in the Complaint that has been developed during negotiations between the Parties' representatives. The proposed settlement represents a mutually agreed-upon resolution of the Prosecution Team's claims through the payment of an administrative civil liability in the amount of **\$324,000, \$153,620** of which will be permanently suspended provided the Discharger completes the agreed upon Supplemental Environmental Project (SEP) on schedule and as described in the Discharger's September 23, 2008 SEP Proposal. The Discharger's September 23, 2008 SEP Proposal is attached hereto as Attachment A. The Parties' settlement agreement is attached hereto as Attachment B. The Parties recommend that the Regional Water Board issue this Order to effectuate the Parties' proposed settlement. Having provided public notice of the proposed settlement and not less than thirty (30) days for public comment, the Regional Water Board finds that:

1. On November 17, 1999, the Regional Water Board adopted *Revised Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit Renewal for Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant*, Board Order No. 6-99-58, NPDES Permit No. CA0102822 (NPDES Permit). The Regional Water Board adopted Board Order No. R6V-2008-0004 (Updated NPDES Permit) on February 14, 2008, which updated and replaced Board Order No. 6-99-58.
2. The Discharger's failure to comply with the NPDES Permit and the Updated NPDES Permit referenced above, as alleged in the Complaint, gives rise to mandatory civil liability under California Water Code section 13385, subdivisions (h) and (i).

3. Under the proposed settlement, the Discharger will pay a mandatory administrative civil liability assessment in full and final settlement of the claims, violations or causes of action alleged in the Complaint in the amount of **\$324,000**, with the sum of **\$153,620** of this amount to be permanently suspended provided that the Discharger completes the SEP described in Attachment A of this Order. The performance of a SEP in this manner is authorized by Water Code section 13385(l)(1), which states, in part,

"In lieu of assessing penalties pursuant to subdivision (h) or (i), the...regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project 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)."

Because the Complaint proposes mandatory minimum liability in the amount of \$324,000, the maximum amount of the penalty that could be expended on a SEP pursuant to Water Code section 13385(l)(1) is \$169,500. The Discharger's September 23, 2008 SEP Proposal contains a budget of \$153,620, which is less than the maximum SEP expenditure allowed by Water Code section 13385(l)(1).

4. A notice of the settlement and assessment of the civil liability was published in Victor Valley Daily Press on or before October 5, 2008, notifying the public of a 30-day review period and soliciting public comments on the terms of the settlement.
5. The settlement of the Complaint as proposed herein, including attachments, is supported by the Regional Water Board Prosecution Team and the Discharger.
6. The SEP meets the criteria established by the State Water Board in its *Water Quality Enforcement Policy*, dated February 19, 2002.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.
8. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of

this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

IT IS HEREBY ORDERED THAT:

1. The Regional Water Board imposes administrative civil liability against the Discharger in the amount of **\$324,000**.
2. The Discharger must provide payment in the amount of **\$170,380** to the State Water Board's Cleanup and Abatement Account by **December 12, 2008**.
3. The remaining **\$153,620** will be permanently suspended upon the Discharger's compliance with the SEP implementation schedule as specified in the Discharger's September 23, 2008 SEP Proposal and as specified in this Order below.
 - a. Complete Task 1, Revise Original Detailed Study Plans/QAPP, by **January 9, 2009**. The Discharger must submit to the Regional Water Board's South Lake Tahoe and Victorville offices copies of the Revised Detailed Study Plans/QAPP by **January 9, 2009**.
 - b. Complete Tasks 2 through 4, Assessments, by **September 30, 2009**. The Discharger must submit by **September 30, 2009** to the Regional Water Board's South Lake Tahoe and Victorville offices, written certifications that Tasks 2 through 4 are completed.
 - c. Complete Task 5, Draft Report, by **March 31, 2010**. The Draft Report must include data collected and data analysis for the entire 24-month study period¹. The Draft Report must also include a complete accounting of all SEP expenditures to date for the entire 24-month study period. The Discharger must submit to the Regional Water Board's South Lake Tahoe and Victorville offices the Draft Mojave River Characterization Study Report by **March 31, 2010**.
 - d. Complete Task 5, Final Report, by **June 30, 2010**. The Final Report must address/incorporate Regional Water Board staff comments on the Draft Report. The Final Report must also include a complete and final accounting of expenditures separated into expenditures for the initial 18-month study period

¹ The 24-month study period includes the 18-month study period required by Administrative Civil Liability Order No. R6V-2006-0055, and the six-month study period identified in the Discharger's September 23, 2008 SEP Proposal (Attachment A).

required by Administrative Civil Liability Order No. R6V-2006-0055, and expenditures for activities identified in the Discharger's September 23, 2008 SEP Proposal (Attachment A). The Discharger must submit to the Regional Water Board's South Lake Tahoe and Victorville offices the Final Mojave River Characterization Study Report by **June 30, 2010**.

4. If the Discharger fails to meet any of the dates specified in Requirements No. 3a – 3d, or established by the Executive Officer pursuant to Requirement No. 6, the entire suspended amount of **\$153,620** identified in Requirement No. 3 will become due and payable by the Discharger to the State Water Board's Cleanup and Abatement Account within 30 days of written notice by the Executive Officer.
5. Any unspent portion of the suspended liability associated with the September 23, 2008 SEP Proposal budget, as identified in the Regional Water Board-accepted Final Mojave River Characterization Study Report, will become due and payable to the State Water Board's Cleanup and Abatement Account within 15 days of the date the Executive Officer issues written acceptance of the Final Mojave River Characterization Study Report.
6. Despite the Discharger's best efforts to comply with the terms of this Order, the Regional Water Board's Executive Officer is authorized to extend the compliance dates above if the Executive Officer determines that events beyond the control of the Discharger will prevent it from satisfying any obligation as required by Requirements No. 2 or 3a – 3d, above. In the event that such a situation occurs, the Discharger must submit to the Executive Officer a written notice providing a description of the event it believes will prevent it from satisfying any obligation pursuant to Requirements No. 2 or 3a – 3d, above, an explanation of how the event will cause the delay, the anticipated duration of the delay, and a description of all actions the Discharger has taken and will take to prevent or minimize the delay and a schedule of such actions. The written description must be submitted within 21 days of identifying the event and prior to the relevant compliance date specified in Requirements No. 2 or 3a – 3d, above.
7. If the Discharger fails to make the specified payments to the State Water Board's Cleanup and Abatement Account within the time limits specified in the Order, or as may be specified by the Regional Water Board's Executive Officer pursuant to the provisions of the preceding requirement, the Regional Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Regional Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criteria specified in this requirement are satisfied.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on November 13, 2008.

HAROLD J. SINGER,
EXECUTIVE OFFICER

Attachments: A. Victor Valley Wastewater Reclamation Authority's September 23,
2008 SEP Proposal
B. Settlement Agreement

**ATTACHMENT A
TO PROPOSED ACL ORDER**

September 23, 2008, SEP Proposal

SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

PROPOSED BY

VICTOR VALLEY WASTEWATER RECLAMATION ASSOCIATION (VWVRA)

September 23, 2008

The Mojave River Characterization Study (MRCS) was proposed by VWVRA as a Supplemental Environmental Project (SEP) in October 2006. The project was designed to characterize the water quality, biological resources, and beneficial uses of the Mojave River upstream and downstream of the VWVRA wastewater treatment plant for the purpose of providing information to assist in updating Basin Plan water quality standards and provide a more solid foundation for implementation of future control actions. The MRCS originally included water quality monitoring at six sites along the Mojave River within the Study Area monthly for 18 months, a fish characterization study and bioassessment at each of the water quality sampling sites, beneficial use assessments monthly at the water quality sampling sites, and additional beneficial use surveys.

VWVRA proposes to use additional SEP funding to extend the duration of the MRCS to include additional water quality monitoring events beyond the original 18 months to two full years, a second aquatic life characterization in the spring of 2009, and an expanded beneficial use assessment survey. These additional activities would provide a more robust data set and the opportunity for a more comprehensive characterization of the Mojave River. VWVRA will augment and expand the Mojave River Characterization Study by supplementing the existing tasks as described below.

Task 1. Detailed Study Plans

Under the current SEP scope, detailed study plans were completed. Under the proposed SEP scope these plans would be revised to incorporate the project expansion and any other revisions necessary to keep the document current. These revisions will include revisions to monitoring locations and schedules, project organization, and may include revisions to any other sections which are not current.

Task 2. Water Quality Monitoring

The current project covers 18 water quality monitoring events for the Mojave River Characterization Study (MRCS) as described in the QAPP developed under Task 1. The original SEP also includes that a summary memo be completed by June 30, 2009 that describes what was done during the first 18 monitoring events and provides preliminary raw results without analysis. This expanded scope adds an additional six monitoring events to the MRCS to expand the MRCS to a full two-year study. The additional six monitoring events will take place at the same seven monitoring sites addressed by the first 18 months of sampling, unless unforeseen occurrences (such as winter storms) prevent a site from being accessed.

09-0011

Task 3. Aquatic Life Characterization Study

The current project includes a bioassessment and a fish identification study that were completed in April, 2008. The original SEP also includes that a summary memo be completed by June 30, 2009 that describes what was done under the original SEP and provides preliminary raw results without analysis. Under the expanded scope, a second bioassessment and fish identification study will be completed in the spring of 2009. Efforts will be made to have the bioassessments take place in April, 2009, however the exact timing of the events will be dependent on weather and the availability of bioassessment and fish survey staff. The bioassessment and fish identification study would be conducted at all sites with flowing water (all seven sites). All sites are expected to have flowing water during the spring.

Task 4. Beneficial Uses Characterization

Under the current project questionnaires targeting categories of beneficial uses are being developed and distributed to public agencies, and beneficial use assessments are being conducted in conjunction with water quality monitoring events. A final report will be developed summarizing the results and commenting on the status of beneficial uses on the Mojave River. The original SEP also includes that a summary memo be completed by June 30, 2009 following the first 18 monitoring events that describes what was done and provides preliminary raw results without analysis. Under the expanded scope, beneficial use assessments will continue to be conducted in conjunction with the additional six monitoring events, and the additional collected data will be included in the final beneficial use report.

Task 5. Characterization Study Report

The current project provides for writing a Draft Study Report, meeting with VVWRA and the Regional Board to discuss the Report, and preparing a Final Study Report. The expanded scope provides for the processing and analysis of the additional collected data, the greater effort of reporting on a larger timeframe and amount of data, and a more thorough analysis of the Study over the longer time frame, including statistical analysis that would not have been possible under the previous SEP given the amount of data collected. This task would also provide for incorporating data from outside studies if available and appropriate.

The Report will include:

- An overview/background of the Study
- A description of the study area
- A description of the monitoring locations
- A summary of the types of data collected and the analyses performed
- A discussion of the data in terms of completeness and quality
- A water quality analysis by constituent, including statistical analysis
- A discussion of the information presented in the Bioassessment and Fish Identification Reports
- A description of the Beneficial Use Characterization
- A summary of all data collected

Task 6. Project Management and Administration

Under this task, monthly invoices and quarterly progress reports are prepared, as well as overall project management activities. Under the expanded scope this task would be extended to cover the additional length of the project.

Schedule and Milestones:

Product	Description	Deadline
Water Quality Monitoring, Aquatic Life Characterization Study, and Beneficial Uses Characterization Summary Memos – 1 st 18 months	Brief summary memos outlining what was accomplished in tasks 2-4 of the original SEP and including raw data in graphical and tabular format, and any deviations from the expected monitoring. No analysis is required in these memos.	June 30, 2009
Complete Expanded SEP Tasks 2-4	Complete additional 6 months of water quality monitoring, beneficial use assessments, and an additional aquatic life characterization.	September 30, 2009
Submit Revised Detailed Study Plans/QAPP to Regional Board	Minor revisions to project QAPP to bring it up to date. QAPP will be submitted to Regional Board for comments by given deadline.	January 9, 2009
Draft Characterization Study Report	Draft Report including elements described above under Task 5.	March 31, 2010
Final Characterization Report	Final Report including revisions per Regional Board comments.	June 30, 2010
Quarterly Progress Reports	Includes a description of what has been completed during the quarter, what is expected to be completed during the following quarter, and a summary of the budget for the quarter – including copies of the invoices.	Quarterly (March, June, September, December) through June 30, 2010.

Victor Valley Wastewater Reclamation Authority Supplemental Environmental Projects Expansion

Task No.	Task Description	LWA Labor Hours Estimate ^a						Total LWA Labor Hours	Total LWA Labor Cost	Other Costs and Sub-contractors		Total Estimated Cost	
		Principal	Associate	Project Scientist	Project Scientist	Project Specialist	Admin. Assistant			Contract Admin.	Source		Amount
Task 1	Develop Detailed Study Plans												
Task 1.1	Revise QAPP			8				8	\$	1,200		\$ 1,200	
Task 1.2	Finalize study plans based on comments received			10				10	\$	1,500		\$ 1,500	
Subtotal >>>>												\$ 2,700	
Task 2	Water Quality Monitoring												
Task 2.1	Conduct monitoring events (assuming 6 events, 7 sites).			240	124			364	\$	48,400	c	\$ 72,840	
Task 2.2	Process data and provide post event summary reports.			48				48	\$	7,200		\$ 7,200	
Subtotal >>>>												\$ 80,040	
Task 3	Aquatic Life Characterization Study												
Task 3.1	Conduct bioassessment			16				16	\$	2,400	d	\$ 17,800	
Task 3.2	Conduct fish characterization study			16					\$	2,400	e	\$ 12,300	
Subtotal >>>>												\$ 30,100	
Task 4	Beneficial Uses Characterization												
Task 4.1	Conduct beneficial use characterization study		8	24				32	\$	5,360	f	\$ 5,360	
Subtotal >>>>												\$ 5,360	
Task 5	Characterization Study Report												
Task 5.1	Prepare draft Characterization Study Report	4	12	64				80	\$	13,220		\$ 13,220	
Task 5.2	Prepare final Characterization Study Report	4	12	20				36	\$	6,620		\$ 6,620	
Subtotal >>>>												\$ 19,840	
Task 6	Project Management and Administration												
	Overall PM	4	15					19	\$	4,280		\$ 4,280	
Task 6.1	Prepare monthly invoices		15	15			20	50	\$	8,350	g	\$ 8,350	
Task 6.2	Submit detailed quarterly progress reports		10	5				15	\$	2,950		\$ 2,950	
Subtotal >>>>												\$ 15,580	
Totals >>>>		12	72	466	124	0	0	20	678	\$ 103,880		\$ 49,740	\$ 153,620

a	Labor costs are based on the average billing rates anticipated during the mid-point of the project.
b	Includes mileage, and for Davis staff: airfare, and rental car.
c	Field meters (flow, GPS, camera, multiprobe (\$100 day), supplies (ice \$30/day), shipping costs to lab (\$30), mileage costs for LWA to/from/around sites \$250. Cost for sample analysis = \$500/sample
d	Cost to have California Department of Fish and Game or biological consultant conduct bioassessment.
e	Cost to have California Department of Fish and Game or biological consultant conduct an aquatic life characterization study.
f	Cost assumes field crews will conduct the field observation portion of the beneficial use characterization study in conjunction with monthly monitoring.
g	Contract admin. Hours estimated as 1 hour for every \$8,000 of total contract costs (i.e., 160,000/8000).

00-0014

**ATTACHMENT B
TO PROPOSED ACL ORDER**

Settlement Agreement

SETTLEMENT AGREEMENT AND MUTUAL RELEASE
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6V-2008-0020

In the matter of:)	
)	
Victor Valley Wastewater)	Settlement Agreement
Reclamation Authority;)	And Mutual Release
Complaint No. R6V-2008-0020)	
For Mandatory Administrative)	
Civil Liability)	

This Settlement Agreement and Mutual Release ("Agreement") is made by and between the Assistant Executive Officer of the Regional Water Quality Control Board, Lahontan Region ("Regional Water Board") and the Victor Valley Wastewater Reclamation Authority ("VWRA") (collectively referred to as "Parties"). The Parties enter into this Agreement because it is their collective desire to settle the violations alleged in Administrative Civil Liability Complaint No. R6V-2008-0020 in order to avoid the expense and uncertainty inherent in an administrative enforcement proceeding and potential litigation.

THE UNDERSIGNED PARTIES EXECUTE THIS AGREEMENT WITH
REFERENCE TO AND IN CONTEMPLATION OF THE FOLLOWING FACTS:

1. On August 18, 2008, the Assistant Executive Officer of the Regional Water Board issued Administrative Civil Liability Complaint No. R6V-2008-0020 (Complaint), which proposed to assess administrative civil liability against VWRA for certain alleged violations of effluent limitations prescribed by Board Orders No. 6-99-58 and No. R6V-2008-0004 (NPDES Permits).
2. The Parties, through their respective representatives, have reached a settlement agreement that includes the issuance of an Administrative Civil Liability Order for violations of the above-referenced NPDES Permits. The proposed Administrative Civil Liability Order is included hereto as Attachment A.
3. This Agreement is a final and binding resolution and settlement of all claims, violations or causes of action alleged in the Complaint, or which could have been asserted by the Regional Water Board based on the specific facts alleged in the Complaint against VWRA, as of the effective date of an Order issued by the Regional Water Board approving the Agreement. The provisions of this paragraph are expressly conditioned on VWRA's full satisfaction of all the obligations of the Agreement.
4. The general terms of the settlement are that VWRA will pay, in exchange for a full and final release of the claims described in Paragraph 3, above,

In the matter of Victor Valley Wastewater Reclamation Authority
Settlement Agreement and Mutual Release

an administrative civil liability of \$324,000. Of that sum, &170,380 shall be payable to the State Water Resources Control Board's Cleanup and Abatement Account. The remaining \$153,620 in administrative civil liability shall be permanently suspended upon the condition that VVWRA completes the agreed upon Supplemental Environmental Project (SEP) on schedule and as described in VVWRA's September 23, 2008 SEP Proposal. VVWRA's September 23, 2008 SEP Proposal is included hereto as Attachment B.

5. In order to facilitate the approval of the proposed settlement, and to carry out its terms, the Parties desire to enter into the following agreement.

NOW, THEREFORE, in exchange for their mutual promises and for other good and valuable consideration specified herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

6. VVWRA agrees that the Regional Water Board has subject matter jurisdiction over the matters alleged in the Complaint and personal jurisdiction over VVWRA.
7. The Parties agree to support, advocate for, and promote the proposed Administrative Civil Liability Order, described above before the Regional Water Board.
8. The Parties covenant and agree that they will not contest the proposed Administrative Civil Liability Order before the Regional Water Board, the State Water Resources Control Board, or any court.
9. The Parties agree that the proposed Administrative Civil Liability Order shall not take effect until adopted by the Regional Water Board.
10. VVWRA agrees to pay \$170,380 to the State Water Resources Control Board, payable to the State Water Resources Control Board's Cleanup and Abatement Account by December 12, 2008.
11. VVWRA agrees to implement and complete the SEP on schedule and as described in VVWRA's September 23, 2008 SEP Proposal
12. In the event that VVWRA does not perform its obligations under Paragraph 11, or as revised by the Executive Officer pursuant to Paragraph 14, the entire suspended administrative civil liability amount of \$153,620 shall, within 30 days after written notice by the Executive Officer, be paid to the State Water Resources Control Board's Cleanup and Abatement Account.

In the matter of Victor Valley Wastewater Reclamation Authority
Settlement Agreement and Mutual Release

13. If VVWRA is unable to perform any activity or submit any document within the time required under this Agreement, VVWRA may, prior to expiration of the relevant compliance date, request an extension of time in writing. The extension request shall include a justification for the delay.
14. If the Executive Officer determines that good cause exists for an extension of time, it will grant the request and specify in writing a new compliance schedule. The Parties agree that the deadlines in the new compliance schedule shall be considered incorporated into this Agreement and binding on VVWRA, unless superseded by another compliance schedule granted pursuant to this Paragraph.
15. The Final Mojave River Characterization Study Report will, in part, include a final accounting of all SEP expenditures. The accounting will separate expenditures associated with the initial Mojave River Characterization Study required by Administrative Civil Liability Order No. R6V-2006-0055, and expenditures associated with activities identified in the September 23, 2008 SEP Proposal. Any unspent suspended liability associated with the September 23, 2008 SEP Proposal budget will become due and payable to the State Water Resources Control Board's Cleanup and Abatement Account within 15 days of the Executive Officer's written acceptance of the Final Mojave River Characterization Study Report.
16. VVWRA agrees that whenever it publicizes one or more elements of the SEP, it shall state in a prominent manner that the SEP is being undertaken as part of the settlement of an enforcement action against VVWRA by the Regional Water Board.
17. This Agreement and the proposed Administrative Civil Liability Order will be circulated for public notice and comment purposes by the Executive Officer.
18. In the event that this Agreement does not take effect because it is not approved by the Regional Water Board or its delegate, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liabilities for the underlying 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 also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to: 1) objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors

were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing this Agreement, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing on the Complaint in this matter; or 2) laches or delay or other equitable defenses based on the time period that the order or decision by settlement may be subject to administrative or judicial review.

19. The Parties intend that the procedure that had been adopted for the approval of the settlement by the Parties and review by the public, as reflected by the proposed Administrative Civil Liability Order and this Agreement will be adequate. In the event objections are raised during the public comment period for the proposed Administrative Civil Liability Order, 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.
20. Each Party executing this Agreement in a representative capacity represents and warrants that he or she is authorized to execute this Agreement on behalf of and to bind the entity on whose behalf he or she executes the Agreement.
21. This Agreement shall not be construed against any Party preparing it, but shall be construed as if the Parties jointly prepared this Agreement and any uncertainty and ambiguity shall not be interpreted against any one Party.
22. Each Party to this Agreement shall bear all attorney's fees and costs arising from that Party's own counsel in connection with the matters referenced herein, and any other costs incurred in defense or settlement of the proposed enforcement action.
23. The Parties shall execute and deliver all documents and perform all further acts that may be reasonably necessary to effectuate the provisions of this Agreement, including the delivery of any documentation reasonably requested by the Regional Water Board to ensure that the terms of the Agreement are being complied with.
24. The failure of the Regional Water Board or its staff to enforce any provision of this Agreement shall in no way be deemed a waiver of such provision, or in any way affect the validity of the Agreement. The failure of the Regional Water Board or its staff to enforce any such provision shall not preclude them from later enforcing the same or any other provision of the Agreement. The expiration of a deadline contained in the Agreement does not make the related provision unenforceable; on any Party's application, the Regional Water Board shall establish a new deadline. No

In the matter of Victor Valley Wastewater Reclamation Authority
Settlement Agreement and Mutual Release

oral advice, guidance, suggestions or comments by employees, officials or members of the Regional Water Board regarding matters covered in the Agreement shall be construed to relieve VVWRA of its obligations under the Agreement.

25. This Agreement shall not be modified by any of the Parties by oral representation made before or after the execution of this Agreement. All material modifications must be in writing and signed by the Parties.
26. This Agreement shall be executed as duplicate originals, each of which shall be deemed an original Agreement, and all of which shall constitute one agreement.
27. This Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California.
28. Notices and correspondence concerning this Agreement shall be sent by overnight or certified mail to the following addresses, in addition to electron mail. Any party may notify the other of a change of notice address by letter sent by overnight or certified mail.

For VVWRA:

Logan Olds, General Manager
Victor Valley Wastewater Reclamation Authority
15776 Main Street, Suite 3
Hesperia, CA 92345

For the Regional Water Board:

Robert S. Dodds
Assistant Executive Officer
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

In the matter of Victor Valley Wastewater Reclamation Authority
Settlement Agreement and Mutual Release

IN WITNESS HEREOF, the Parties hereto have executed this Agreement as of
the date set forth above.

For Regional Water Board Assistant Executive Officer:



Robert S. Dodds
Assistant Executive Officer

September 29, 2008
(date)

For VVWRA:



Logan Olds
General Manager

24 Sept 08
(date)

Attachments:

- A. Proposed Administrative Civil Liability Order
- B. Victor Valley Wastewater Reclamation Authority's September 23, 2008 SEP Proposal

ENCLOSURE 2

Administrative Civil Liability Complaint No. R6V-2008-0020

03-0022

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

In the Matter of Victor Valley Wastewater)
Reclamation Authority: Violation of Effluent) COMPLAINT NO.
Requirements Contained in the Waste Discharge) R6V-2008-0020
Requirements/Federal NPDES Permit for the) FOR MANDATORY
Regional Wastewater Treatment Plant, Victorville,) ADMINISTRATIVE CIVIL
San Bernardino County, WID No. 6B360109001) LIABILITY

This Complaint to assess mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385(h) and (i) is issued to the Victor Valley Wastewater Reclamation Authority (Discharger) based on findings of violations of Waste Discharge Requirements specified by Board Order No. 6-99-58, National Pollution Discharge Elimination System (NPDES) Permit No. CA0102822, and Board Order No. R6V-2008-004, NPDES Permit No. CA01012822.

The Assistant Executive Officer finds the following:

1. On November 17, 1999, the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), adopted *Revised Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit Renewal for Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant*, Board Order No. 6-99-58, NPDES Permit No. CA0102822 (NPDES Permit). The Lahontan Water Board adopted Board Order No. R6V-2008-0004 on February 14, 2008, which updated that permit (Updated NPDES Permit).
2. Water Code section 13385(h)(1) requires the Lahontan Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each **serious violation**.
3. Water Code section 13385(h)(2) provides that a **serious violation** occurs if the discharge exceeds the effluent limitations (a) by 40 percent or more for a Group I pollutant, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations, or (b) by 20 percent or more for a Group II pollutant, as specified in Appendix A to section 123.45 of title 40, Code of Federal Regulations.
4. Water Code section 13385(i) requires the Lahontan Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the

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following four or more times in a period of six consecutive months (**chronic violations**):

- a. violates a waste discharge requirement effluent limitation;
 - b. fails to file a report pursuant to Water Code section 13260;
 - c. files an incomplete report pursuant to Water Code section 13260; or
 - d. violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
5. Water Code section 13385(i)(2) defines a "period of six consecutive months" as, "...the period commencing on the date that one of the violations described in this subdivision [Water Code section 13385(i) or Finding No. 4 of this Order] occurs and ending 180 days after that date." However, **serious violations** may qualify as chronic violations for the purposes of determining a "period of six consecutive months," and may count as the first three **chronic violations**, though such violations are not counted twice for the purpose of assessing the penalty amount.
6. Total suspended solids, total dissolved solids, and turbidity are Group I pollutants.
7. Total chlorine residual is a Group II pollutant.
8. The NPDES Permit includes the following discharge specifications:
- a. Section I.A.5 requires all wastewater discharged to the Mojave River not to exceed the following effluent limits for total suspended solids (TSS):
 - i. 30-day mean of 692 pounds per day (lb/day).
 - ii. 7-day mean of 1,038 lb/day.
 - iii. Daily maximum of 2,077 lb/day.
 - b. Section I.A.7 requires all wastewater discharged to the Mojave River not exceed the following effluent limits for total dissolved solids (TDS):
 - i. 12-month mean (during any 12 consecutive months) of 31,842 lb/day.
 - ii. Daily maximum of 40,149 lb/day.
 - c. Section I.A.11 requires all wastewater discharged to the Mojave River not exceed the following turbidity limits, measured in nephelometric turbidity units (NTU):
 - i. 30-day running average of two NTU.
 - ii. Not more than five NTU more than five percent of the time during any 24-hour period.

- d. Section I.A.12 requires all wastewater discharged to the Mojave River not exceed the following total residual chlorine and total chlorine effluent limits:
 - i. Maximum one-hour average total residual chlorine concentration of 0.019 milligrams per liter (mg/L).
 - ii. Four-day average total residual chlorine concentration of no more than 0.011 mg/L.
 - iii. Maximum daily chlorine discharge of 1.3 lb/day based on the maximum instantaneous flow of 14 million gallons per day following flow equalization.
9. Section IV.A.1.a, Table 6, of the Updated NPDES Permit requires all wastewater discharged to the Mojave River not exceed the following total residual chlorine effluent limits:
 - a. Maximum daily concentration of 0.003 mg/L.
 - b. Six-month median concentration of no more than 0.002 mg/L.
 - c. Maximum daily discharge of 0.350 lb/day.
 - d. Maximum daily discharge of 0.234 lb/day.
10. According to monitoring reports submitted by the Discharger from August 30, 2005, through April 23, 2008, the waste discharge violated the NPDES Permit effluent limitations as listed in the table of violations provided in Attachment A, which is made a part of this Order.
11. According to the definition of **serious violations** in Finding No. 3, the Discharger committed 15 serious violations from January 27, 2006, to July 9, 2008, as shown on lines 1, 2, 4, 83 through 86, and 102 through 109 of the table of violations provided in Attachment A to this Order. The amount of the mandatory minimum penalty for the 15 serious violations (\$3,000 for each of the 15 violations) is forty-five thousand dollars (\$45,000).
12. According to the definition of **chronic violations** in Finding No. 4, the Discharger committed 106 chronic violations from February 5, 2006, through July 9, 2008, as shown on lines 4 through 109 of the table of violations provided in Attachment A to this Order. Thirteen of these violations also constitute **serious violations** as noted in Finding No. 3. However, these 13 violations do not result in double penalties. The three **chronic violations** shown on lines 1, 2, and 3, from January 27, 2006, through February 4, 2006, were preceded by six consecutive months of compliance and are not subject to mandatory minimum penalties. The 106 **chronic violations** less the 13 **serious violations** to avoid double penalty results in 93 remaining **chronic violations**. The amount of the mandatory minimum penalty for the 93 remaining **chronic violations** (\$3,000 for each of the 93 violations) is two hundred seventy-nine thousand dollars (\$279,000).

13. The total amount of the mandatory minimum penalty from January 27, 2006, through April 23, 2008 (\$45,000 + \$279,000) is three hundred twenty-four thousand dollars (\$324,000).
14. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.) in accordance with the California Code of Regulations title 14, chapter 3, section 15321.

**THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY IS
HEREBY GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Lahontan Water Board proposes that the Discharger be assessed a mandatory minimum penalty in the amount of three hundred twenty-four thousand dollars (\$324,000), pursuant to Water Code section 13385.
2. The Lahontan Water Board will hold a public hearing on this matter on **November 12 and 13, 2008**, unless the Discharger agrees to waive its right to a public hearing by filling out, signing, and submitting the enclosed "Waiver of Hearing." If the Discharger chooses not to waive its right to a public hearing, the Lahontan Water Board may proceed with the scheduled public hearing and consider testimony received from interested persons during the public hearing and decide whether to accept the amount of mandatory minimum penalty proposed by the Assistant Executive Officer. The Lahontan Water Board may also decide to continue the matter to a future hearing, direct the Assistant Executive Officer to reissue the Complaint to propose additional penalties under Water Code section 13385(c) and (e), or refer the matter to the State Attorney General. The public hearing is scheduled at the regularly scheduled Lahontan Water Board meeting on November 12 and 13, 2008, at a location and time yet to be determined. A notice of the location and time of the meeting will be provided no less than 10 days before the meeting.

WAIVER OF HEARING

You may waive the right to a hearing. Waiver of your right to a hearing constitutes acceptance of the assessment of civil liability in the amount set forth within the Complaint. If you wish to waive your right to a hearing, an authorized person must sign the Waiver of Hearing prepared for this Complaint, and submit it to the address below.

Lahontan Water Quality Control Board
Attn: Robert S. Dodds, Assistant Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

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Please note that any settlement will not be effective until reasonable opportunity for public participation has been provided pursuant to title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) and the State Water Board's 2002 Enforcement Policy. The Lahontan Water Board will notify interested persons of any proposed settlement and will solicit comments on the settlement for a period of thirty (30) days. Any settlement will not become final until after a public comment period.

Payment of the liability will be due within 30 days of the settlement becoming final. Payment must be made with a cashier's check or money order and made payable to the *California State Water Resources Control Board, Cleanup and Abatement Account*.



ROBERT S. DODDS
ASSISTANT EXECUTIVE OFFICER

August 18, 2008
Date

Attachment: Table of Effluent Limit Violations – Attachment A

EJT/clhT: /Enforcement and Special Projects Unit/ VVWRA /VWRA, MMP ACL Complaint, 2008-08-01 EJT
File Under: Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant/WDID No.
6B360109001

09-0027

ATTACHMENT A

TABLE OF EFFLUENT LIMIT VIOLATIONS

No	CIWQS Violation No.	Date	Constituent and Applicable Permit Effluent Limit	Reported Value	Violation Type
1	405924	1/27/06	Turbidity > 5 NTU's more than 5% of the day	Exceeded 8.68% of the day	Serious/ Chronic*
2	380836	2/4/06	Turbidity > 5 NTU's more than 5% of the day	Exceeded 69.8% of the day	Serious/ Chronic*
3	406279	2/4/06	30-Day Running Average For Turbidity < 2.0 NTU	2.07 NTU	Chronic*
4	405915	2/5/06	Turbidity > 5 NTU's more than 5% of the day	Exceeded 45.5% of the day	Serious/ Chronic
5	406287	2/5/06	30-Day Running Average For Turbidity < 2.0 NTU	2.23 NTU	Chronic
6	406520	2/6/06	30-Day Running Average For Turbidity < 2.0 NTU	2.27 NTU	Chronic
7	406521	2/7/06	30-Day Running Average For Turbidity < 2.0 NTU	2.29 NTU	Chronic
8	406527	2/8/06	30-Day Running Average For Turbidity < 2.0 NTU	2.32 NTU	Chronic
9	406529	2/9/06	30-Day Running Average For Turbidity < 2.0 NTU	2.34 NTU	Chronic
10	406537	2/10/06	30-Day Running Average For Turbidity < 2.0 NTU	2.36 NTU	Chronic
11	406539	2/11/06	30-Day Running Average For Turbidity < 2.0 NTU	2.36 NTU	Chronic
12	406540	2/12/06	30-Day Running Average For Turbidity < 2.0 NTU	2.37 NTU	Chronic
13	406541	2/13/06	30-Day Running Average For Turbidity < 2.0 NTU	2.36 NTU	Chronic
14	406542	2/14/06	30-Day Running Average For Turbidity < 2.0 NTU	2.38 NTU	Chronic
15	406543	2/15/06	30-Day Running Average For Turbidity < 2.0 NTU	2.41 NTU	Chronic
16	406544	2/16/06	30-Day Running Average For Turbidity < 2.0 NTU	2.43 NTU	Chronic
17	406545	2/17/06	30-Day Running Average For Turbidity < 2.0 NTU	2.46 NTU	Chronic
18	406546	2/18/06	30-Day Running Average For Turbidity < 2.0 NTU	2.48 NTU	Chronic
19	406548	2/19/06	30-Day Running Average For Turbidity < 2.0 NTU	2.48 NTU	Chronic
20	406549	2/20/06	30-Day Running Average For Turbidity < 2.0 NTU	2.47 NTU	Chronic
21	406551	2/21/06	30-Day Running Average For Turbidity < 2.0 NTU	2.48 NTU	Chronic
22	406552	2/22/06	30-Day Running Average For Turbidity < 2.0 NTU	2.50 NTU	Chronic
23	406553	2/23/06	30-Day Running Average For Turbidity < 2.0 NTU	2.49 NTU	Chronic

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No	CIWQS Violation No.	Date	Constituent and Applicable Permit Effluent Limit	Reported Value	Violation Type
24	406554	2/24/06	30-Day Running Average For Turbidity < 2.0 NTU	2.48 NTU	Chronic
25	427424	2/25/06	30-Day Running Average For Turbidity < 2.0 NTU	2.50 NTU	Chronic
26	427430	2/26/06	30-Day Running Average For Turbidity < 2.0 NTU	2.48 NTU	Chronic
27	427431	2/27/06	30-Day Running Average For Turbidity < 2.0 NTU	2.41 NTU	Chronic
28	427432	2/28/06	30-Day Running Average For Turbidity < 2.0 NTU	2.30 NTU	Chronic
29	427433	2/1/06	Monthly Total Suspended Solids (TSS) 30-Day Mean < 692 lb	721.16 lb	Chronic
30	427434	2/2/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
31	427435	2/3/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
32	427436	2/4/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
33	427437	2/5/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
34	427438	2/6/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
35	427439	2/7/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
36	427440	2/8/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
37	427441	2/9/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
38	427442	2/10/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
39	427443	2/11/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
40	427444	2/12/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
41	427445	2/13/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
42	427446	2/14/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
43	427447	2/15/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
44	427448	2/16/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
45	427449	2/17/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
46	427450	2/18/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
47	427451	2/19/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
48	427452	2/20/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
49	427453	2/21/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
50	427454	2/22/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
51	427456	2/23/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
52	427457	2/24/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
53	427458	2/25/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic

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No	CIWQS Violation No.	Date	Constituent and Applicable Permit Effluent Limit	Reported Value	Violation Type
54	427459	2/26/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
55	427460	2/27/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
56	427461	2/28/06	Monthly TSS 30-Day Mean < 692 lb	721.16 lb	Chronic
57	427462	2/5/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
58	427463	2/6/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
59	427464	2/7/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
60	427465	2/8/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
61	427466	2/9/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
62	427467	2/10/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
63	427468	2/11/06	Weekly TSS Daily Mean < 1038 lb	1101.2 lb	Chronic
64	427469	2/5/06	Daily TSS < 2077 lb	2348 lb	Chronic
65	427470	3/1/06	30-Day Running Average For Turbidity < 2.0 NTU	2.30 NTU	Chronic
66	427471	3/2/06	30-Day Running Average For Turbidity < 2.0 NTU	2.29 NTU	Chronic
67	427472	3/3/06	30-Day Running Average For Turbidity < 2.0 NTU	2.27 NTU	Chronic
68	427473	3/4/06	30-Day Running Average For Turbidity < 2.0 NTU	2.23 NTU	Chronic
69	427474	3/5/06	30-Day Running Average For Turbidity < 2.0 NTU	2.20 NTU	Chronic
70	427475	3/6/06	30-Day Running Average For Turbidity < 2.0 NTU	2.03 NTU	Chronic
71	492649	5/4/06	30-Day Running Average For Turbidity < 2.0 NTU	2.05 NTU	Chronic
72	522824	5/5/06	30-Day Running Average For Turbidity < 2.0 NTU	2.10 NTU	Chronic
73	522831	5/6/06	30-Day Running Average For Turbidity < 2.0 NTU	2.12 NTU	Chronic
74	522837	5/7/06	30-Day Running Average For Turbidity < 2.0 NTU	2.12 NTU	Chronic
75	522849	5/8/06	30-Day Running Average For Turbidity < 2.0 NTU	2.14 NTU	Chronic
76	522850	5/9/06	30-Day Running Average For Turbidity < 2.0 NTU	2.18 NTU	Chronic
77	522851	5/10/06	30-Day Running Average For Turbidity < 2.0 NTU	2.11 NTU	Chronic
78	522854	5/11/06	30-Day Running Average For Turbidity < 2.0 NTU	2.10 NTU	Chronic
79	522878	5/12/06	30-Day Running Average For Turbidity < 2.0 NTU	2.12 NTU	Chronic
80	522881	5/13/06	30-Day Running Average For Turbidity < 2.0 NTU	2.12 NTU	Chronic
81	522885	5/14/06	30-Day Running Average For Turbidity < 2.0 NTU	2.08 NTU	Chronic
82	522890	5/15/06	30-Day Running Average For Turbidity < 2.0 NTU	2.05 NTU	Chronic
83	427540	3/17/06	Turbidity > 5 NTU's more than 5% of the day	Exceeded 15.3% of the day	Serious/

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No	CIWQS Violation No.	Date	Constituent and Applicable Permit Effluent Limit	Reported Value	Violation Type
					Chronic
84	398354	4/10/06	Turbidity > 5 NTU's more than 5% of the day	Exceeded 31.7% of the day	Serious/ Chronic
85	433531	9/9/06	Maximum 1-hour Avg. Total Chlorine Residual (TCR) < 0.019 mg/L	6.01 mg/L	Serious/ Chronic
86	433531	9/9/06	Maximum Daily Chlorine Discharge < 1.3 lb/day	17.2 lb	Serious/ Chronic
87	690983	7/4/06	Daily Maximum Total Dissolved Solids (TDS) < 40,149 lb/day	41,134 lb /day	Chronic
88	690986	10/02/06	Daily Maximum TDS < 40,149 lb/day	41,654 lb /day	Chronic
89		10/19/06	Daily Maximum TDS < 40,149 lb/day	43,242 lb/day	Chronic
90		10/23/06	Daily Maximum TDS < 40,149 lb/day	42,882 lb/day	Chronic
91		10/30/06	Daily Maximum TDS < 40,149 lb/day	42,780 lb/day	Chronic
92	690987	Nov. 2006	12-month Mean TDS < 31,842 lb/day	42,047 lb/day	Chronic
93	690988	Dec. 2006	12-month Mean TDS < 31,842 lb/day	39,086 lb /day	Chronic
94	690989	Jan. 2007	12-month Mean TDS < 31,842 lb/day	37,934 lb/day	Chronic
95	690990	Feb. 2007	12-month Mean TDS < 31,842 lb/day	37,104 lb/day	Chronic
96	690991	Mar. 2007	12-month Mean TDS < 31,842 lb/day	36,846 lb/day	Chronic
97	690992	April 2007	12-month Mean TDS < 31,842 lb/day	36,478 lb/day	Chronic
98	690993	May 2007	12-month Mean TDS < 31,842 lb/day	35,984 lb/day	Chronic
99	690994	June 2007	12-month Mean TDS < 31,842 lb/day	35,342 lb/day	Chronic
100	690995	July 2007	12-month Mean TDS < 31,842 lb/day	32,753 lb/day	Chronic
101	690996	Aug. 2007	12-month Mean TDS < 31,842 lb/day	32,067 lb/day	Chronic
102	714007	1/10/08	Maximum 1-hour Average TCR < 0.019 mg/L	6.8 mg/L	Serious/ Chronic
103	714007	1/10/08	Maximum Daily Chlorine Discharge < 1.3 lb/day	21 lb/day	Serious/ Chronic
104	733406	2/20/08	Maximum Daily TCR concentration < 0.003 mg/L	3.1 mg/L	Serious/ Chronic
105	733406	2/20/08	Maximum Daily TCR discharge < 0.350 lb/day	1.075 lb/day	Serious/ Chronic
106	734516	2/28/08	Maximum Daily TCR concentration < 0.003 mg/L	0.032 mg/L	Serious/ Chronic

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No	CIWQS Violation No.	Date	Constituent and Applicable Permit Effluent Limit	Reported Value	Violation Type
107	753235	4/23/08	Maximum Daily TCR concentration < 0.003 mg/L	1.186 mg/L	Serious/ Chronic
108	753235	4/23/08	Maximum Daily TCR discharge < 0.350 lb/day	0.428 lb/day	Serious/ Chronic
109		7/9/08	Maximum Daily TCR concentration < 0.003 mg/L	0.482 mg/L	Serious/ Chronic

CIWQS – California Integrated Water Quality System (database)

NTU – Nephelometric Turbidity Unit

TSS – Total Suspended Solids

TDS – Total Dissolved Solids

TCR – Total Chlorine Residual

* - Denotes chronic violations not subject to penalties pursuant to Water Code section 13385(i)

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