California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

November 5, 2010

TO ALL INTERESTED PERSONS AND AGENCIES:

The enclosed proposed conditional early settlement offer is being provided for your review and comment. Comments on the on the proposed offer must be received no later than 5:00 p.m., December 6, 2010. The proposed conditional early settlement offer is also posted on the California Regional Water Board, Lahontan Region's website at:

http://www.waterboards.ca.gov/lahontan/

Please send your comments to the Water Board's South Lake Tahoe office at 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 to the attention of Harold Singer.

Federal regulations require the Regional Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)).

If no comments are received within the 30-day period, and unless there are new material facts that become available to the Regional Water Board, the Executive Officer will execute the proposed conditional early settlement offer as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385. If, however, significant comments are received in opposition to the settlement these violations will be addressed in a liability assessment proceeding.

Contact Taylor Zentner at (530) 542-5469 or me at (530) 542-5432 if you have any questions regarding this matter.

Scott Ferguson
Senior Water Resources Control Engineer
Enforcement and Special Projects Unit

Enclosure: Conditional Early Settlement Offer

cc (with enclosure): Lahontan Regional Water Quality Control Board Members
Harold J. Singer, Executive Officer/LRWQCB
Cindi Mitton/LRWQCB
John Morales/LRWQCB
Yvonne West/SWRCB, Office of Enforcement
Kim Niemeyer/SWRCB, Office of Chief Council
Mark Bradley/SWRCB, Office of Enforcement
Phil Isorena/SWRCB, Division of Water Quality - NPDES Program
Kimberly Nicol, Regional Manager/CA Dept. of Fish and Game
Paul Hamdorf, Assistant Chief/CA Dept. of Fish and Game
Ken Greenburg/United States EPA, Region IX
Fatima Ty/United States EPA, Region IX
Judy Hohman/United States Fish and Wildlife Service
John Leveillee, City Engineer/City of Hesperia
Amer Jakher, Director/City of Victorville Public Works Department
John Sponsler, Director/Adelanto Public Utility Authority
Dennis Cron, Assistant Town Manager/City of Apple Valley
Sandy Wojecki, General Manager/Silver Lakes Association
Manuel Benitez, Superintendent of Water & Sanitation/San Bernardino County Special Districts Department
Joan Mulcare/San Bernardino County EPA, Env Health Services
Kirby Brill, General Manager/Mojave Water Agency
Reggie Lampson, Water Director/Victorville Water District

TBZ/adw/T:TYPING DIRECTORY: T:/VVWRA MMP ACL Settlement Notice-Cover Letter (10-28-2010)
File Under: SLT File Room, VVL File Room,

Conditional Early Settlement Offer Proposed Order No. R6-2010-00__ with Mandatory Minimum Penalties against Victor Valley Wastewater Reclamation Authority

On September 14, 2010, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) issued an Offer to Participate in Expedited Payment Program to Victor Valley Wastewater Reclamation Authority (VVWRA) for alleged violations of Lahontan Water Board Order No. R6V-2008-004. On October 14, 2010, VVWRA accepted the Lahontan Water Board's offer to participate in the Expedited Payment Program and waived its right to a hearing.

The following table lists this facility's alleged violations of subdivision (h) and (i) of the California Water Code section 13385. Final calculation of Mandatory Minimum Penalty (MMP) amounts owed is also provided below.

Date Occurred	Type	MMP Type	Description
4/17/2006	CAT1	Serious*/Chronic	Turbidity exceeded 5 NTU for 15.3% of the day which exceeds the effluent limit by more than 40%.
12/31/2006	CAT1	Chronic	The annual average flow for 2006 was 8.6 MGD, which exceeds the annual average flow limit of 8.3 MGD.
6/1/2008	CAT1	Chronic	Effluent pH was 6.4 pH units for 58 minutes, which is below the instantaneous minimum effluent limit of 6.5 pH units.
6/17/2008	CAT1	Chronic	Effluent pH was 6.4 pH units for 4 minutes, which is below the instantaneous minimum effluent limit of 6.5 pH units.

* Serious violation may qualify as chronic violations for the purpose of determining a "period of six consecutive months," however these serious violations are not counted twice for the purpose of assessing the penalty amount.

Mandatory Minimum Penalty Amount Owed for Effluent Violation (1 serious*/chronic Violation + 3 Chronic Violations) x $3,000 = $12,000 to the Cleanup and Abatement Account.

Written comments regarding the Expedited Payment Program and Waiver will be accepted through **December 6, 2010**. For more information, pleases contact Taylor Zentner at (530)542-5469, or Scott Ferguson at (530) 542-5432.