

Exhibit A

Regional Water Board Prosecution Allegations

The City of Santa Rosa (City) is the owner and operator of the Oakmont Trunk Sewer which conveys raw sewage from the Oakmont retirement community to the City's waste water treatment facility. The trunk sewer is located adjacent to Oakmont Creek and was placed in service about 44 years ago. The line was repeatedly threatened by erosion of the creek bank in several areas which threatened failure of the pipe which could result in significant discharges of raw sewage. The line was replaced by 3,000 feet of 18 inch sewer line several hundred feet from the creek and roughly parallel to the existing trunk line.

After due notice the project received certification of compliance with sections 301, 302, 303, 306, and 307 of the Federal Clean Water Act, and with applicable provisions of state law.

Mountain Cascade Inc., specializing in underground construction, began work in early September of 2011, and the new pipeline was put into service on November 2, 2011. The final major project task was the in-place abandonment of the 44 year old line by filling it with cement slurry. The grout filling plan included modification of the manholes by removing the tops and rings down to the pipe and sealing them off. The goal was to pump grout from the lower elevation of the pipe to the higher elevation completely filling it.

On Thursday, November 10, 2011, at approximately 11:50 a.m., an estimated 4 cubic yards of cement foam slurry (a mixture of water, type II cement and Elastizell JLE foaming agent) was released at manhole 6 during the filling process and discharged to Oakmont Creek. The Slurry flowed into Oakmont Creek about 1000 ft. downstream of the Oakmont Treatment Plant (latitude 38.45261°N; longitude 122.627919°W).

Based on information provided by the City the pumped slurry was forced up through the abandoned and filled manhole by the pressure built up in the pipe. About 730 feet of the line was successfully filled with cement slurry before the spill occurred.

The slurry, which has the appearance and texture of shaving cream, floated on top of the water in the creek and began moving downstream with the flow of the creek. Straw wattles, silt fences and booms were placed across the creek to prevent the slurry from flowing downstream. A holding basin was excavated and lined with plastic to temporarily contain the slurry which was removed by vacuum trucks and hand work. Pumps and piping were installed to divert the stream flow around the spill site during cleanup operations. Collected water, foam and sediment from the creek were initially discharged to the temporary holding pond. Following removal of the foam additional water from the creek cleanup was discharged to the new sewer line under the direction of City staff. The slurry in the holding pond was allowed to dry (set up) and hauled off as solid waste.

Water quality impacts of the spill were documented by samples collected by City staff approximately 250 feet upstream, at the spill site and 5 stations downstream. The farthest impact was detected about 600 feet downstream. At 850 feet downstream no impact was noted. Collected samples were analyzed for pH, Turbidity and dissolved oxygen. The pH samples showed significantly elevated levels at the spill site and for a distance of at least 600 feet downstream. Measurements ranged from 10.5 at the spill site to 8.5 at 600 feet. Upstream pH was measured at 6.5. A measurement 850 feet downstream showed a pH level of 7. The following day measurements at the same locations showed pH levels were back to normal (6.7 to 7.2) at all sites.

Turbidity measurement showed a significant increase at the spill site and for a distance in excess of 150 feet downstream. Turbidity above the spill site was 6.4 NTUs; at the spill site 107 NTUs; immediately downstream 65 NTUs and 50 feet downstream 12 NTUs. The following day turbidities were back to normal levels.

Dissolved Oxygen measurement were not taken on the day of the spill but were collected the day following the discharge. No adverse impacts to dissolved oxygen were noted in samples collected upstream and for a distance of 850 feet downstream of the spill.

Significant impacts to aquatic life and water quality occurred as a result of the slurry discharge. 17 distressed rainbow/steelhead trout, 7 sticklebacks and 3 lamprey ammocetes were relocated from the spill site by City staff. The Department of Fish and Game Warden on site collected several dead fish which included rainbow/steelhead trout, sticklebacks, lampreys and sculpin. Also observed were dead bullfrog tadpoles. Impacts to aquatic insects were not documented

The extremely high pH levels caused by the cement based slurry are the most likely reason for distressed and dead aquatic organisms.

The City and its contractor failed to control the pumping operation filling the pipeline, which resulted in a discharge of cement slurry that had serious short lived impacts to the beneficial uses of Oakmont Creek.

This is a violation for which the Regional Water Board may impose administrative civil liability pursuant to Water Code section 13385(a)(2) and (c). The authority and process for imposing civil liability are set forth in Water Code section 13232