CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

In the matter of:	)	
	)	
CITY OF TULELAKE	)	**Order No. R1-2015-0054**
WASTEWATER TREATMENT	)	
FACILITY	)	
P.O. Box 847	)	**Settlement Agreement and Stipulation for**
Tulelake, CA 96134	)	**Entry of Order; Order**

Attn: Mr. Brett Nystrom
WDID No. 1A840020SIS
NPDES No. CA0023272

Section I: Introduction

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order ("Stipulation" or "Stipulated Order") is entered into by and between the Regional Water Quality Control Board Prosecution Staff ("Prosecution Staff") and City of Tulelake ("Settling Respondent") (collectively "Parties") and is presented to the North Coast Regional Water Quality Control Board ("Regional Water Board") for adoption as an Order, by settlement, pursuant to Government Code section 11415.60.

Section II: Recitals

1. The Settling Respondent is the owner of the wastewater treatment facility located at 100 Dean Callas Way in the City of Tulelake in Siskiyou County, California (the "Facility"). The Facility is designed to provide secondary wastewater treatment for an average dry weather flow of 0.16 million gallons per day, and consists of a collection system, comminutor and bar screen within the headworks, aerated treatment ponds, sand filters, chlorine disinfection, and dechlorination. Treated, disinfected, dechlorinated effluent is discharged to the Tulelake Irrigation District Drain No. 44-B-1, a tributary of the Tule Lake Sump, Tule Lake Refuge, and Lower Lost River, a water of the United States.

2. The State Water Resources Control Board and the Regional Water Board have determined that the Discharger meets the requirements under California Water Code section 13385(k) and the State Water Resources Control Board (State Water Board) Water Quality Enforcement Policy (Enforcement Policy) as a publicly owned treatment works serving a small community with a financial hardship.

3. The Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. R1-2004-0075 on October 6, 2004 to regulate discharges from the Facility. WDRs Order No. R1-2004-0075 became effective October 6, 2004, and served as an NPDES permit under the Federal Clean Water Act. Order No. R1-2004-0075 expired on

October 5, 2009. The Discharger filed a Report of Waste Discharge and submitted an application for renewal of its permit on January 11, 2013; the application was deemed complete on January 31, 2013. The Regional Water Board adopted WDRs Order No. R1-2013-0029 on June 13, 2013, and it became effective on August 1, 2013. This Stipulated Order alleges specific violations from July 1, 2005 through March 31, 2015. The Settling Respondent violated the Waste Discharge Requirements Orders 287 times, with 139 of those violations being subject to mandatory minimum penalties pursuant to California Water Code section 13385, subdivisions (h) and (i). The specific alleged violations are contained and described in Attachment A of this Stipulated Order and are incorporated herein by reference.

4. To resolve by consent and without further administrative proceedings these alleged violations of Waste Discharge Requirements Order Nos. R1-2004-0075 and R1-2013-0029 subject to Water Code section 13385, subdivisions (h) and (i), the Parties have agreed to the imposition of $351,000 against the Settling Respondent, which is the mandatory minimum penalty for the alleged violations. Payment of $351,000 shall be suspended upon completion of the Compliance Projects in accordance with the terms of this Stipulated Order. Should the Discharger fail to complete the Compliance Projects or any portion thereof as described herein, the $351,000 or a portion thereof shall become immediately due and payable to the State Water Resources Control Board Cleanup and Abatement Account.

5. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by presenting this Stipulated Order to the Regional Water Board for adoption as an Order pursuant to Government Code section 11415.60. The Prosecution Staff contends that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the specific violations alleged in the Complaint except as provided in this Stipulation and that this Stipulation and Order is in the best interest of the public.

Section III: Stipulations

The Parties stipulate to the following:

6. **Administrative Civil Liability:** The Settling Respondent hereby agrees that the full $351,000 administrative civil liability shall be suspended pending completion of the Compliance Projects as set forth in Paragraph 4 of Section II herein, and Attachments B and C, incorporated herein by reference. Should the Settling Respondent fail to adequately complete the Compliance Projects as described herein, the Settling Respondent shall pay the $351,000, or a pro-rated amount determined by the Regional Water Board or its delegate, to the State Water Pollution Cleanup and Abatement Account. Payment of any or the entire previously suspended amount does

not relieve the Settling Respondent of its independent obligation to take necessary actions to achieve compliance with active waste discharge requirements.

7. **Compliance with Applicable Laws:** The Settling Respondent understands that payment of administrative civil liability in accordance with the terms of this Order or compliance with the terms of this Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in this Order may subject them to further enforcement, including additional administrative civil liability.

8. **Compliance Project Description:** The Settling Respondent has proposed two Compliance Projects (CP) as summarized:

   a. **Sanitary Sewer System Upgrades (CP1):** The City of Tulelake will make necessary repairs and upgrades to its existing sanitary sewer system. The anticipated costs for the sanitary sewer upgrades are approximately $80,000, of which up to $78,950.85 may be suspended in lieu of penalties. Any costs beyond $78,950.85 for the sanitary sewer upgrades will be paid by the Respondent. The sanitary sewer system in the project area is original and constructed of vitrified clay pipe (VCP) sections which are prone to infiltration. The infiltration problem was confirmed by close-circuit television recordings of the lines in 2012. The infiltration problem is magnified by the existence of high groundwater in the Lower Klamath Lake area which includes Tulelake. For the proposed project, 400 lineal feet of existing VCP sewer main pipe will be replaced with PVC pipes. A manhole will also be constructed to facilitate future maintenance. Additionally, the service lines will be connected to the new PVC pipes. The new PVC pipes will minimize infiltration in this area of the collection system which in turn will reduce the amount of wastewater requiring treatment as well as improving facility treatment and its ability to meet waste discharge requirements. The detailed CP1 description is attached hereto as Attachment B.

MILESTONE	DEADLINE
Begin Construction (Replace 400 ft. of existing sewer main)	6/1/2017
Final Report/Complete CP	10/30/2020

   b. **Certified Plant Operator Salary (CP2):** From January 2016 to July 15, 2020 the minimum cost of a second certified wastewater treatment plant operator is $272,049.15, all of which is proposed to suspend penalties up to $272,049.15. Tulelake will add a second certified wastewater treatment plant operator. The purpose of having a second certified wastewater treatment plant operator is to ensure that Tulelake has a backup operator for its plant operation at all times and assist the City of Tulelake in returning to compliance. The detailed CP2 description is attached hereto as Attachment C.

MILESTONE	DEADLINE
Employ a Second Certified Wastewater Treatment Operator	3/1/2016
Final Report/Complete CP	8/31/2020

9. **Representations and Agreements Regarding Compliance Project:** As a material consideration for the Regional Water Board's acceptance of this Stipulated Order, the Settling Respondent represents that it will utilize the funds outlined in Paragraph 4, Section II to implement the Compliance Projects in accordance with the schedule for performance contained in Attachments B and C. The Settling Respondent understands that its promise to implement the Compliance Projects, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement of liability between the Settling Respondent and the Regional Water Board. The Settling Respondent represents that: 1) it will spend the Compliance Projects amount as described in this Stipulated Order; 2) it will provide certified, written reports to the Regional Water Board consistent with the terms of this Stipulated Order detailing the implementation of the Compliance Projects, and 3) within 30 days of the completion of the Compliance Projects, it will provide written certification, under penalty of perjury, that the Settling Respondent followed all applicable environmental laws and regulations in the implementation of the Compliance Projects, including but not limited to the California Environmental Quality Act, the federal Clean Water Act and the Porter-Cologne Act. The Settling Respondent agrees that the Regional Water Board has the right to require a third-party audit of the funds expended by it to implement the Compliance Projects. Settling Respondent shall permit inspection of the Compliance Projects by the Regional Water Board staff at any time without notice.

10. **Publicity Associated with Compliance Project:** Whenever the Settling Respondent or its agents or subcontractors or the Implementing Party publicizes one or more elements of the Compliance Projects, they shall state in a **prominent manner** that the projects are being undertaken as part of the settlement of an enforcement action by the Water Board against the Settling Respondent.

11. **Submittal of Reports:** Settling Respondent shall report to the Regional Water Board quarterly the status of the sanitary sewer upgrades and the additional certified operator until the entire $351,000 is spent. The CP report schedule is as follows:

Compliance Project	First Quarterly Report	Final Report
CP1: Sanitary Sewer Upgrade	10/30/2017	10/30/2020
CP2: Second Certified Operator	4/30/2016	8/31/2020

12. **Audits and Certification of Compliance Project**

a. Certification of Expenditures: On or before October 30, 2020 for CP1 and August 31, 2020 for CP2, Settling Respondent shall submit a certified statement by responsible city officials representing the Settling Respondent documenting the expenditures by Settling Respondent during the completion period for the respective Compliance Project. In making such certification, the official may rely upon normal company project tracking systems that capture employee time, expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. Settling Respondent shall provide any additional information requested by the Regional Water Board staff that is reasonably necessary to verify Settling Respondent's expenditures. The certification need not address any costs incurred by the Regional Water Board for oversight.

b. Certification of Performance of Work: On or before October 30, 2020 for CP1 and August 31, 2020 for CP2, the Settling Respondent shall submit a report, under penalty of perjury of the laws of the state, stating that the respective Compliance Project has been completed in accordance with the terms of this Stipulated Order. Documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate the completion of the Compliance Projects and the costs incurred by the Settling Respondent.

c. Certification that Work Performed on Compliance Project Met or Exceeded Requirements of California Environmental Quality Act (CEQA) and Other Environmental Laws: On or before June 1, 2017, the Settling Respondent shall submit documentation for CP1, under penalty of perjury of the laws of the state, stating that the Compliance Project meets or exceeds the requirements of CEQA, if applicable, or other environmental laws. The Settling Respondent shall, before the Compliance Project implementation date, consult with other interested state agencies regarding potential impacts. To ensure compliance with CEQA where necessary, the Settling Respondent shall provide the Regional Water Board with the following documents from the lead agency:

   i. Categorical or statutory exemptions;

   ii. Negative Declaration if there are no "significant" impacts;

   iii. Mitigated Negative Declaration if there are potential "significant" impacts but revisions to the project have been made or may be made to avoid or mitigate those potential significant impacts;

   iv. Environmental Impact Report (EIR) if there are "significant" impacts.

13. **Party Contacts for Communications related to Stipulation and Order:**

For the Regional Water Board:
Cecile Morris
Water Resources Control Engineer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Cecile.Morris@waterboards.ca.gov
(707) 576-2347

For the Settling Respondent:
Brett Nystrom
Public Works Director
City of Tulelake
591 Main Street
P.O. Box 847, Tulelake, CA 96134
cityoftulelake@cot.net
(530) 667-2685

14. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

15. **Matters Addressed by Stipulation:** Upon adoption by the Regional Water Board as an Order, this Stipulation represents a final and binding resolution and settlement of the alleged violations in this Stipulated Order ("Covered Matters"). The provisions of this paragraph are expressly conditioned on the full payment of the administrative civil liability by the deadlines specified in Paragraph 4, Section II and the Settling Respondents full satisfaction of the obligations described in Paragraph 6, Section III.

16. **Public Notice:** The Settling Respondent understands that this Stipulation and Order will be noticed for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulation and Order to the Regional Water Board, or its delegate, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulation and Order void and decide not to present it to the Regional Water Board or its delegate. The Settling Respondent agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulation and Order.

17. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for adopting the Order by the Regional Water Board and review of this Stipulation by the public is lawful and adequate. In the event procedural objections are raised prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

18. **Interpretation:** This Stipulation and Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Settling Respondent is represented by counsel in this matter.

19. **Modification:** This Stipulation and Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties and approved the Regional Water Board.

20. **If Order Does Not Take Effect:** In the event that this Order 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 alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

    a. Objections related to prejudice or bias of any of the 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 the Stipulation or the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Complaint in this matter; or

    b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

21. **Waiver of Hearing:** The Settling Respondent has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Regional Water Board prior to the adoption of the Order.

22. **Waiver of Right to Petition or Appeal:** The Settling Respondent hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Resources Control Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court. This explicit waiver of rights includes potential future decisions by the Regional Water Board or its delegate related to this Order, including, but not limited to time extensions, completion of CP milestones, and other terms contained in this Order.

23. **Settling Respondent's Covenant Not to Sue:** The Settling Respondent covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any Covered Matter.

24. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Order shall be communicated to the Settling Respondent in writing. No oral advice, guidance, suggestions or comments by employees or officials of the Regional Water Board regarding submissions or notices shall be construed to relieve the Settling Respondent of its obligation to obtain any final written approval required by this Order.

25. **Authority to Bind:** Each person executing this Stipulation in a representative capacity represents and warrants that he or she is authorized to execute this Stipulation on behalf of and to bind the entity on whose behalf he or she executes the Stipulation.

26. **Effective Date:** The obligations under Paragraph 4, Section II and Paragraph 6, Section III of this Stipulation are effective and binding on the Parties only upon the entry of an Order by the Regional Water Board which incorporates the terms of this Stipulation.

27. **Severability:** This Stipulation and Order are severable; should any provision be found invalid the remainder shall remain in full force and effect.

28. **Counterpart Signatures:** This Stipulation may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
North Coast Region

Digitally signed by Shin-Roei Lee
Date: 2015.08.14 15:51:31 -07'00'

By: _____
Shin-Roei Lee, Assistant Executive Officer

Water Boards

City of Tulelake

By: _____
~~Jim Cook~~, Mayor Henry A. Ebinger

Date: August 7, 2015

Order of the Regional Water Board

29. This Order incorporates the foregoing Stipulation.

30. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.

31. The Executive Officer is authorized to refer this matter directly to the Attorney General for enforcement if the Settling Respondent fails to perform any of its obligations under the Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California North Coast Regional Water Quality Control Board.

_____

Matthias St. John
Executive Officer

15_0054_Tulelake_Stip_Order

Attachments: A – Table of Violations
B– Compliance Project, Sanitary Sewer Upgrades
C – Compliance Project, Additional Certified Operator

Attachment A – Violations Table

CONFIDENTIAL SETTLEMENT NEGOTIATIONS

Table A1

MMP Violations

July 1, 2005 through March 31, 2015

Date	CIWQS ID	Parameter	Units	Limits	Reported Value	type	Mandatory Minimum Penalty
7/31/05	907446	Coliform, Monthly Avg.	MPN/ml	23	37	2nd Chronic	$0*
6/30/06	883660	Coliform, Monthly Avg.	MPN/ml	23	131.5	1st Chronic	$0*
8/23/06	883666	Coliform, Daily Maximum	MPN/ml	240	900	2nd Chronic	$0*
8/30/06 8/31/06	907969 883668	Coliform, Monthly Avg.	MPN/ml	23	40	3rd Chronic	$0*
9/6/06	883669	Coliform, Daily Maximum	MPN/ml	240	500	Chronic	$3000
9/30/06	883673	Coliform, Monthly Avg.	MPN/ml	23	131.5	Chronic	$3000
3/27/07	910234	BOD, Weekly Average	mg/L	65	80	1st Chronic	$0*
7/11/07	883701	Coliform, Daily Maximum	MPN/ml	240	1600	2nd Chronic	$0*
7/31/07	883704	Coliform, Monthly Avg.	MPN/ml	23	240	3rd Chronic	$0*
8/2/07	738495	Coliform, Daily Maximum	MPN/ml	240	1600	Chronic	$3000
8/21/07	883702	Coliform, Daily Maximum	MPN/ml	240	1600	Chronic	$3000
8/31/07	883705	Coliform, Monthly Avg.	MPN/ml	23	240	Chronic	$3000
9/30/07	883713	Coliform, Monthly Avg.	MPN/ml	23	240	Chronic	$3000
10/19/07	883714	Coliform, Daily Maximum	MPN/ml	240	1600	Chronic	$3000
10/31/07	883719	Coliform, Monthly Avg.	MPN/ml	23	160	Chronic	$3000
2/29/08	740729	BOD, Monthly Average	mg/L	45	50.5	Chronic	$3,000
3/17/08	883728	BOD, Weekly Average	mg/L	65	89.2	Chronic	$3,000
3/21/08	909901	BOD, Weekly Average	mg/L	65	89.2	Chronic	$3,000
3/29/08	909905	BOD, Weekly Average	mg/L	65	90.4	Chronic	$3,000
3/31/08	883734	BOD, Monthly Average	mg/L	45	67.43	Serious	$3,000
3/31/08	909902	Bis (2-ehylhexyl)phthalate, Monthly Average	ug/L	3.61	4	Chronic	$3000
4/22/08	910482	Cyanide, Monthly Average	ug/L	4.26	5.0	Chronic	$3000
6/10/08	909920	Dichlorobromomethane, Daily Maximum	ug/L	1.12	2	Serious	$3000
6/10/08	909921	Dichlorobromomethane, Monthly Average	ug/L	1.12	2	Serious	$3000
6/12/08	909927	Coliform, Daily Maximum	MPN/ml	240	1600	Chronic	$3000
6/30/08	909928	Coliform, Monthly Avg.	MPN/ml	23	240	Chronic	$3000
8/28/08	883737	Coliform, Daily Maximum	MPN/ml	240	1600	Chronic	$3000
9/18/08	883838	Dichlorobromomethane, Daily Maximum	ug/L	1.12	3.4	Serious	$3000

Date	CIWQS ID	Parameter	Units	Limits	Reported Value	type	Mandatory Minimum Penalty
12/18/08	883837	Dichlorobromomethane, Daily Maximum	ug/L	1.12	1.5	Serious	$3000
12/18/08	883835	Dichlorobromomethane, Monthly Average	ug/L	0.56	1.5	Serious	$3000
12/18/08	909929	Bis (2-ehylhexyl) Phthalate, Monthly Average	ug/L	1.8	2	Chronic	$3000
2/28/09	883843	BOD, Monthly Average	% Removal	65	63.8	Chronic	$3,000
3/5/09	883738	BOD, Weekly Average	mg/L	65	83.7	Chronic	$3,000
3/12/09	883744	TSS, Daily Maximum	lbs/day	127	171	Chronic	$3,000
3/19/09	883707	Bis (2-ehylhexyl)phthalate, Monthly Average	ug/L	1.80	2	Chronic	$3000
3/19/09	883743	TSS, Daily Maximum	lbs/day	127	259	Serious	$3,000
3/19/09	909606	TSS, Daily Maximum	mg/L	95	124	Chronic	$3,000
3/19/09	883742	BOD, Weekly Average	lbs/day	87	277	Serious	$3,000
3/19/09	883741	BOD, Weekly Average	mg/L	65	133	Serious	$3,000
3/19/09	883746	Dichlorobromomethane, Monthly Average	ug/L	0.56	1.1	Serious	$3000
3/26/09	883752	TSS, Daily Maximum	lbs/day	127	350	Serious	$3,000
3/26/09	909607	TSS, Weekly Average	mg/L	95	168	Serious	$3000
3/26/09	883706	BOD, Weekly Average	Lbs/day	87.0	87.6	Chronic	$3,000
3/31/09	909612	Dichlorobromomethane, Monthly Average	ug/L	0.56	1.1	Serious	$3000
3/31/09	909620	BOD, Weekly Average	lbs/day	87	126.97	Serious	$3,000
3/31/09	883759	BOD, Monthly Average	mg/L	45	73.45	Serious	$3,000
3/31/09	883756	BOD, Monthly Average	% Removal	65	22.80	Serious	$3,000
3/31/09	883757	BOD, Monthly Average	lbs/day	60	127	Serious	$3,000
3/31/09	909608	TSS, Daily Maximum	mg/L	95	109.25	Chronic	$3,000
3/31/09	883753	TSS, Monthly Average	% Removal	65	0	Serious	$3,000
4/2/09	909609	TSS, Daily Maximum	mg/L	95	211	Serious	$3,000
4/2/09	883760	TSS, Weekly Average	lbs/day	127	439.9	Serious	$3,000
4/9/09	883762	BOD, Weekly Average	lbs/day	87	106	Chronic	$3,000
4/9/09	883761	TSS, Weekly Average	lbs/day	127	280.1	Serious	$3,000
4/9/09	909610	TSS, Daily Maximum	mg/L	95	146	Serious	$3,000
4/9/09	909611	TSS, Daily Maximum	lbs/day	127	280	Serious	$3,000
4/16/09	883764	TSS, Daily Maximum	lbs/day	127	169	Chronic	$3,000
4/30/09	883767	BOD, Monthly Average	mg/L	45	56.8	Chronic	$3,000
4/30/09	883766	BOD, Monthly Average	% Removal	65	36.9	Serious	$3,000
4/30/09	883765	TSS, Monthly Average	% Removal	65	0	Serious	$3,000
						Sub-Total	$159,000

Date	CIWQS ID	Parameter	Units	Limits	Reported Value	type	Mandatory Minimum Penalty
8/14/13	977541	Coliform, Daily Maximum	MPN/100ml	240	579.4	1st Chronic	$0*
8/15/13	977542	Dichlorobromomethane, Daily Maximum	ug/l	1.6	2.60	Serious	$3,000
8/31/13	977543	Coliform, Monthly Average	MPN/100ml	23	194.2	3rd Chronic	$0*
8/31/13	977544	Dichlorobromomethane, Monthly Average	ug/l	0.56	2.60	Serious	$3,000
9/11/13	971913	Coliform, Daily Maximum	MPN/100ml	240	261.3	Chronic	$3,000
9/30/13	971912	Coliform, Monthly Avg	MPN/100ml	23	137.3	Chronic	$3,000
10/31/13	977545	Dichlorobromomethane, Monthly Average	ug/l	0.56	1.49	Serious	$3,000
11/21/13	977546	Dichlorobromomethane, Daily Maximum	ug/l	1.6	2.59	Serious	$3,000
11/30/13	977547	Coliform, Monthly Avg	MPN/100ml	23	46.7	Chronic	$3,000
11/30/13	977548	Dichlorobromomethane, Monthly Average	ug/l	0.56	2.59	Serious	$3,000
12/11/13	977549	Coliform, Daily Maximum	MPN/100ml	240	488.4	Chronic	$3,000
12/31/13	977550	Coliform, Monthly Avg	MPN/100ml	23	101.6	Chronic	$3,000
1/31/14	977551	Dichlorobromomethane, Monthly Average	ug/l	0.56	1.17	Serious	$3,000
2/20/14	977552	Dichlorobromomethane, Daily Maximum	ug/l	1.6	1.69	Chronic	$3,000
2/28/14	977553	Dichlorobromomethane, Monthly Average	ug/l	0.56	1.69	Serious	$3,000
3/20/14	977554	Dichlorobromomethane, Daily Maximum	ug/l	1.6	2.17	Serious	$3,000
3/31/14	977555	Coliform, Monthly Avg	MPN/100ml	23	99.6	Chronic	$3,000
3/31/14	977556	Dichlorobromomethane, Monthly Average	ug/l	0.56	2.17	Serious	$3,000
4/2/14	977557	Coliform, Daily Maximum	MPN/100ml	240	265.4	Chronic	$3,000
4/9/14	977558	Coliform, Daily Maximum	MPN/100ml	240	2419.6	Chronic	$3,000
4/22/14	977605	Dichlorobromomethane, Daily Maximum	ug/l	1.6	10.2	Serious	$3,000
4/30/14	977607	Dichlorobromomethane, Monthly Average	ug/l	0.56	10.2	Serious	$3,000
4/30/14	977609	Coliform, Monthly Avg	MPN/100ml	23	700.3	Chronic	$3,000
5/31/14	977611	Coliform, Monthly Avg	MPN/100ml	23	66.6	Chronic	$3,000
6/11/14	977612	Coliform, Daily Maximum	MPN/100ml	240	387.3	Chronic	$3,000
6/26/14	977613	Dichlorobromomethane, Daily Maximum	ug/l	1.6	2.08	Serious	$3,000
6/26/14	977614	Chlorine, Daily Maximum	mg/l	0.02	0.04	Serious	$3,000
6/30/14	977615	Coliform, Monthly Avg	MPN/100ml	23	173	Chronic	$3,000
6/30/14	977616	Dichlorobromomethane, Monthly Average	ug/l	0.56	10.2	Serious	$3,000
6/30/14	977617	Chlorine, Monthly Avg	mg/l	0.01	0.04	Serious	$3,000

Date	CIWQS ID	Parameter	Units	Limits	Reported Value	type	Mandatory Minimum Penalty
7/9/14	977618	Coliform, Daily Maximum	MPN/100ml	240	461.1	Chronic	$3,000
7/16/14	977619	Coliform, Daily Maximum	MPN/100ml	240	2,419.6	Chronic	$3,000
7/17/14	977620	Dichlorobromomethane, Daily Maximum	ug/l	1.6	3.82	Serious	$3,000
7/17/14	977621	Chlorine, Daily Maximum	mg/l	0.02	0.09	Serious	$3,000
7/23/14	977622	Coliform, Daily Maximum	MPN/100ml	240	2,419.6	Chronic	$3,000
7/31/14	977623	Coliform, Monthly Avg	MPN/100ml	23	1,340	Chronic	$3,000
7/31/14	977624	Dichlorobromomethane, Monthly Average	ug/l	0.56	3.82	Serious	$3,000
7/31/14	977625	Chlorine, Monthly Avg	mg/l	0.01	0.09	Serious	$3,000
8/20/14	977626	Coliform, Daily Maximum	MPN/100ml	240	648.8	Chronic	$3,000
8/21/14	977627	Dichlorobromomethane, Daily Maximum	ug/l	1.6	5.51	Serious	$3,000
8/31/14	977628	Coliform, Monthly Avg	MPN/100ml	23	206	Chronic	$3,000
8/31/14	977629	Dichlorobromomethane, Monthly Average	ug/l	0.56	5.51	Serious	$3,000
9/03/14	989598	Coliform, Daily Maximum	MPN/100ml	240	>2419.6	Chronic	$3,000
9/10/14	989599	Coliform, Daily Maximum	MPN/100ml	240	461	Chronic	$3,000
9/17/14	989960	Coliform, Daily Maximum	MPN/100ml	240	>2419.6	Chronic	$3,000
9/18/14	989601	Dichlorobromomethane, Daily Maximum	ug/l	1.6	3.09	Serious	$3,000
9/24/14	989603	Coliform, Daily Maximum	MPN/100ml	240	>2419.6	Chronic	$3,000
9/30/14	989604	Coliform, Monthly Avg	MPN/100ml	23	1930	Chronic	$3,000
9/30/14	989602	Dichlorobromomethane, Monthly Average	ug/l	0.56	3.09	Serious	$3,000
10/01/14	989605	Coliform, Daily Maximum	MPN/100ml	240	248.1	Chronic	$3,000
10/08/14	989606	Coliform, Daily Maximum	MPN/100ml	240	461	Chronic	$3,000
10/29/14	989607	Coliform, Daily Maximum	MPN/100ml	240	360.9	Chronic	$3,000
10/31/14	989608	Coliform, Monthly Avg	MPN/100ml	23	275.34	Chronic	$3,000
10/31/14	989609	Dichlorobromomethane, Monthly Average	ug/l	0.56	0.93	Serious	$3,000
10/31/14	989610	Bis (2-ehylhexyl) Phthalate, Monthly Average	ug/L	1.8	2.7	N/A – Result was DNQ	$0
11/12/14	989612	Coliform, Daily Maximum	MPN/100ml	240	261.3	Chronic	$3,000
11/30/14	989613	Coliform, Monthly Avg	MPN/100ml	23	87.67	Chronic	$3,000
12/17/14	989614	Coliform, Daily Maximum	MPN/100ml	240	2419	Chronic	$3,000
12/31/14	989616	Coliform, Monthly Avg	MPN/100ml	23	491	Chronic	$3,000
1/28/15	989618	Coliform, Daily Maximum	MPN/100ml	240	435	Chronic	$3,000
1/31/15	989617	Coliform, Monthly Avg	MPN/100ml	23	125	Chronic	$3,000
2/16/15	989620	Dichlorobromomethane, Daily Maximum	ug/l	1.6	2.38	Serious	$3,000
2/28/15	989619	Coliform, Monthly Avg	MPN/100ml	23	115	Chronic	$3,000
2/28/15	989621	Dichlorobromomethane, Monthly Average	ug/l	0.56	2.38	Serious	$3,000
3/19/15	989624	Dichlorobromomethane,	ug/l	1.6	2.5	Serious	$3,000

Date	CIWQS ID	Parameter	Units	Limits	Reported Value	type	Mandatory Minimum Penalty
		Daily Maximum					
3/31/15	989623	Dichlorobromomethane, Monthly Average	ug/l	0.56	2.5	Serious	$3,000
3/31/15	989625	Coliform, Monthly Avg	MPN/100ml	23	125	Chronic	$3,000
						Sub-Total	$192,000
						Total	**$351,000**

*Supporting violation not subject to MMPs

Attachment B

ADMINISTRATIVE CIVIL LIABILITY ORDER
Proposed Compliance Project Summary for Sanitary Sewer Upgrades

Project Title: City of Tulelake Wastewater Compliance Project Sanitary Sewer Upgrades

Geographic Area of Interest: Tulelake Hydrologic Subarea of the Klamath Basin

Name of Responsible Entity: City of Tulelake

Estimated Cost of Project Completion: The total fines for the period July 1, 2005 through March 31, 2015 are $351,000. The City will incur $272,049.15 in costs associated with its "Second Licensed Wastewater Treatment Operator Project," which is being submitted contemporaneously. The estimated cost of the Sanitary Sewer Upgrade is $80,000, which will paid wholly by the City of Tulelake. The total cost for these two proposed projects is $352,049.15, all of which is proposed to suspend penalties up to the $351,000 penalties associated with violations occurring between June 30, 2006 and March 31, 2015.

Contact Information:
Brett Nystrom
Public Works Director
591 Main Street
Tulelake, CA 96134
(530) 667-2685

Jeremy Morris, P.E.
City Engineer
2950 Shasta Way
Klamath Falls, OR 97603
(541) 884-4666

Project Description:

The City of Tulelake will make necessary repairs and upgrades to its existing sanitary sewer system. The sanitary sewer system in the project areas are original and constructed of vitrified clay pipe (VCP) sections which are prone to infiltration. The infiltration problem was confirmed by close-circuit television recordings of the lines in 2012. The infiltration problem is magnified by the existence of high groundwater in the Lower Klamath Lake area which includes Tulelake. For the proposed project, existing pipes will be replaced with modern PVC pipes; service lines will be connected to the new PVC mains.

The new lines will minimize infiltration in this area of the collection system which in turn will reduce the amount of wastewater which requires treatment which will improve the ability to meet waste discharge requirements.

Water Body and Pollutants Addressed by this Project:

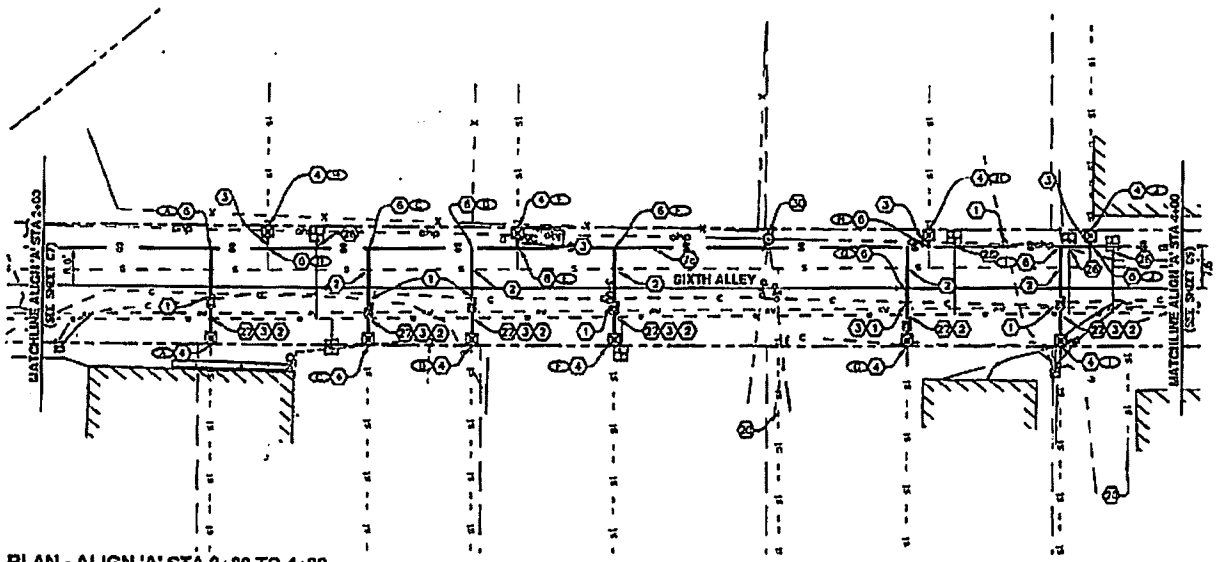
The wastewater treatment plant discharges wastewater to Tulelake Irrigation District (TID) drain number 44-B-1, which is tributary to the Tulelake-Lower Klamath Lake reach of the Lost River basin, waters of the United States. The wastewater TID drain number 44-B-1 is hydraulically connected to the Tulelake Refuge. The wastewater treatment plant operations and effluent quality as a whole will be better assured through reduction of infiltration and inflow. Reduction of I/I will allow for increased detention within the wastewater treatment plant resulting in better treatment and effluent quality.

Schedule, Budget, and Deliverables:

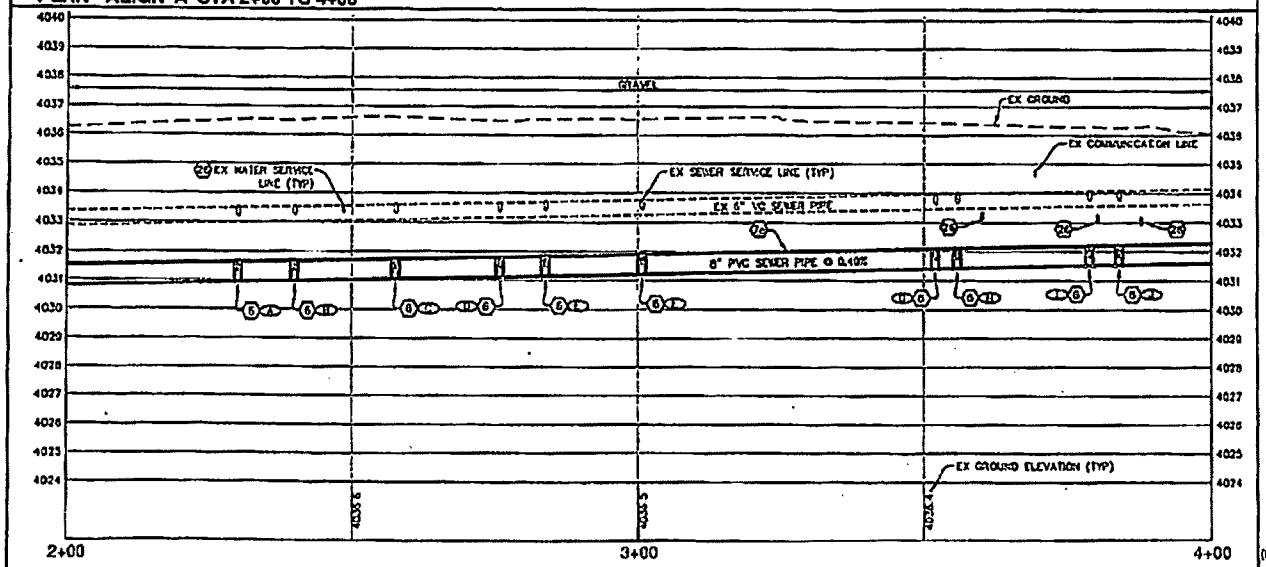
Commencing by June 2017, the City will begin construction on a portion of its Sanitary Sewer Project.

1. Replace Existing Sewer lines. Approximately 400 ft. of existing VCP sewer main will be replaced with 8 inch PVC lines. A manhole will also be constructed at the beginning of the section to improve public work's future maintenance capabilities. See Exhibit 1 attached hereto.
2. Quarterly Progress Reports. The City will submit quarterly progress reports beginning October 30, 2017, and will thereafter submit reports on January 30, April 30 and July 30. Progress reports will describe the work completed during the quarter in question as well as work to be competed. If no work was performed during the previous quarter, a progress report shall be submitted so stating.
3. Final Report. The final report will include a summary of all completed work, post-project accounting of all expenditures, and certification that all applicable laws and regulations were adhered to. The accounting shall clearly show the final cost of the completed project and whether or not the required penalty payment was met. Due: October 30, 2020.

Exhibit 1



PLAN - ALIGN 'A' STA 2+00 TO 4+00



PROFILE - ALIGN 'A' STA 2+00 TO 4+00

(FEET)

CONSTRUCTION NOTES

1. PROVIDE 6" MINIMUM CLEARANCE BETWEEN COMMUNICATION LINES AND NEW SEWER PIPES AT CROSSINGS.
2. USE APPROPRIATE SHORING TO MAINTAIN THE INTEGRITY OF THE EXISTING WATER OR SEWER PIPE WHEN CROSSING WITH NEW SEWER PIPE. SEE NOTE 2, SHEET C2.
3. REMOVE & DISPOSE OF EXISTING SEWER SERVICE LINES IN TRENCH WHEN INSTALLING NEW SEWER SERVICE LINES. SEE NOTES 3 & 7, SHEET C2.
4. DISCONNECT EXISTING SEWER SERVICE LINES AT R.O.W. LINE BY SAWCUTTING OR REMOVING PIPE SEGMENT TO NEAREST JOINT AND REMOVE & DISPOSE OF PORTION WITHIN R.O.W. INSTALL SERVICE CLEANOUT PER DETAIL 3, SHEET C10 & NEW SEWER SERVICE LINES PER LOCATION SHOWN ON PLAN & PROFILE AND PER DETAILS 1 & 2, SHEET C10, & NOTES 7 & 8, SHEET C2. SEE NEW SEWER SERVICE LINES TABLE FOR NEW CLEANOUT & SEWER SERVICE LINES LOCATIONS.
6. INSTALL 8"x4" WYE FITTING & 4" 45° BEND WITH TEMPORARY PLUG ON BEND PER DETAIL 2, SHEET C10. LOCATION SHALL LINE UP WITH EXISTING SEWER SERVICE LINES PER NEW SEWER SERVICE LINES TABLE ON THIS SHEET. SEE NOTE 10 & 11, SHEET C2.
22. INSTALL 8" SEWER LESS THAN OR EQUAL TO 8 FEET DEEP FROM GROUND SURFACE TO TRENCH BOTTOM PER DETAIL 1, SHEET C10.
23. MAINTAIN INTEGRITY OF EXISTING COMMUNICATION LINE THAT RUNS PARALLEL TO NEW SEWER PIPE OR REROUTE LINE AS REQ'D. SEE NOTE 12, SHEET C2.
26. NEW SEWER PIPE CROSSING EXISTING WATER SERVICE LINE SHALL MAINTAIN 6" MINIMUM SEPARATION. REROUTE WATER SERVICE LINE AS NECESSARY.
27. NEW SEWER SERVICES LINE CROSSING EXISTING WATER LINE SHALL MAINTAIN 6" MINIMUM SEPARATION.
30. EXISTING PRIVATE POLE. SUPPORT UTILITY POLE AS NECESSARY TO INSTALL SEWER SYSTEM COMPONENTS. SEE NOTE 12, SHEET C2.

NEW SEWER SERVICE LINES TABLE

A	STA 2+29.8,	9.0R 4.7L	CENTER OF CLEANOUT CENTERLINE OF MAIN
B	STA 2+38.6,	9.0L 8.8L	CENTER OF CLEANOUT CENTERLINE OF MAIN
C	STA 2+57.7,	9.0R 6.5L	CENTER OF CLEANOUT CENTERLINE OF MAIN
D	STA 2+73.7,	9.0R 7.0L	CENTER OF CLEANOUT CENTERLINE OF MAIN
E	STA 2+83.6,	9.7L 7.0L	CENTER OF CLEANOUT CENTERLINE OF MAIN
F	STA 3+00.8,	9.0R 7.1L	CENTER OF CLEANOUT CENTERLINE OF MAIN
G	STA 3+51.9,	9.0R 7.4L	CENTER OF CLEANOUT CENTERLINE OF MAIN
H	STA 3+55.6,	9.2L 7.1L	CENTER OF CLEANOUT CENTERLINE OF MAIN
I	STA 3+78.7,	9.0R 7.5L	CENTER OF CLEANOUT CENTERLINE OF MAIN
J	STA 3+83.9,	9.1L 7.5L	CENTER OF CLEANOUT CENTERLINE OF MAIN

PROPOSED SEWER SERVICE LINES INDICATED IN THE TABLE ABOVE ARE APPROXIMATE LOCATIONS BASED ON THE BEST AVAILABLE INFORMATION. PRIOR TO EXCAVATION FOR MAIN STRUCTURE, CONTRACTOR SHALL POTHOLE NEAR R.O.W. TO DETERMINE THE EXACT LOCATION OF EXISTING SEWER SERVICE LINES.

TRENCH SHORING AND DEWATERING MAY BE NECESSARY FOR TRENCHING IN THIS AREA.

REGISTERED PROFESSIONAL ENGINEER
JORDAN D. MORRIS
64974
Exp. 12/31/13
CIVIL
STATE OF CALIFORNIA
8/6/13

WASTEWATER COLLECTION SYSTEM IMPROVEMENTS
FOR
CITY OF TULELAKE, CA

SEWER LINE REPLACEMENT
ALIGN 'A' - STA 2+00 TO 4+00

ADKINS
Engineers & Planners & Surveyors
ADKINS CONSULTING ENGINEERS, LLC
3123 Dixie Way • Chico, CA 95973 • (530) 895-9672 • Fax (530) 895-1333
Oregon • California

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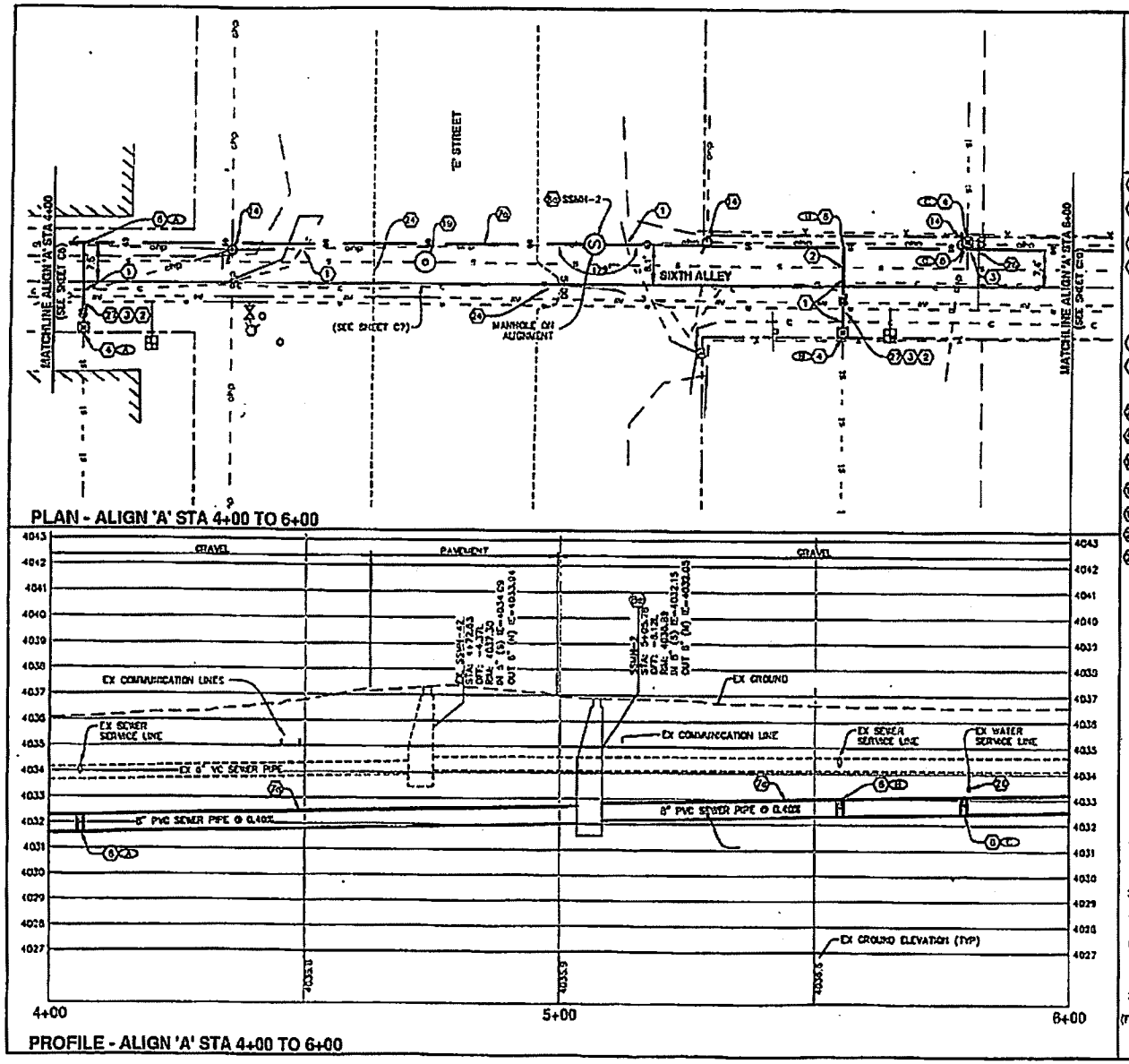
DATE:	8-3-13
PROJECT:	1012-3502
FILE:	P&P
DESIGNED BY:	MCR
DRAWN BY:	MCR
CHECKED BY:	DRK
SURVEYED BY:	ACK
SCALE:	AS SHOWN

C8

CP'C'

Exhibit 2



(FEET)

CONSTRUCTION NOTES

1. PROVIDE 6" MINIMUM CLEARANCE BETWEEN COMMUNICATION LINES AND NEW SEWER PIPES AT CROSSINGS.
2. USE APPROPRIATE SHORING TO MAINTAIN THE INTEGRITY OF THE EXISTING WATER OR SEWER PIPE WHEN CROSSING WITH NEW SEWER PIPE. SEE NOTE 2, SHEET G2.
3. REMOVE & DISPOSE OF EXISTING SEWER SERVICE LINES IN TRENCH WHEN INSTALLING NEW SEWER SERVICE LINES. SEE NOTES 3 & 7, SHEET G2.
4. DISCONNECT EXISTING SEWER SERVICE LINES AT R.O.W. LINE BY SAWCUTTING OR REMOVING PIPE SEGMENT TO NEAREST JOINT AND REMOVE & DISPOSE OF PORTION WITHIN R.O.W. INSTALL SERVICE CLEANOUT PER DETAIL 3, SHEET C19 & NEW SEWER SERVICE LINES PER LOCATION SHOWN ON PLAN & PROFILE AND PER DETAILS 1 & 2, SHEET C19, & NOTES 7 & 8, SHEET G2. SEE NEW SEWER SERVICE LINES TABLE FOR NEW CLEANOUT & SEWER SERVICE LINES LOCATIONS.
5. NEW SEWER PIPE CROSSING EXISTING WATER MAIN SHALL MAINTAIN 12" MINIMUM SEPARATION. SEE NOTE 14, SHEET G2.
6. INSTALL 6"x4" WYE FITTING & 6" 45° BEND WITH TEMPORARY PLUG ON DEMO PER DETAIL 2, SHEET C19. LOCATION SHALL LINE UP WITH EXISTING SEWER SERVICE LINES PER NEW SEWER SERVICE LINES TABLE ON THIS SHEET. SEE NOTE 10 & 11, SHEET G2.
7a. INSTALL 6" SEWER LESS THAN OR EQUAL TO 8 FEET DEEP FROM GROUND SURFACE TO TRENCH BOTTOM PER DETAIL 1, SHEET C19.
8a. CONSTRUCT SANITARY SEWER STANDARD MANHOLE LESS THAN OR EQUAL TO 8 FEET DEEP PER DETAIL 6, SHEET C19.
12. MAINTAIN INTEGRITY OF EXISTING COMMUNICATION LINE THAT RUNS PARALLEL TO NEW SEWER PIPE OR REROUTE LINE AS REQ'D. SEE NOTE 17, SHEET G2.
14. EXISTING PP&L POLE. SUPPORT POLE AS NECESSARY TO INSTALL SEWER SYSTEM COMPONENTS. SEE NOTE 12, SHEET G2.
19. ABANDON EXISTING MANHOLE PER DETAIL 4, SHEET C19.
24. CONSTRUCT ASPHALT APPROACH PER DETAIL 1, SHEET C20.
27. NEW SEWER SERVICE LINE CROSSING EXISTING WATER LINE SHALL MAINTAIN 6" MINIMUM SEPARATION.

NEW SEWER SERVICE LINES TABLE

A	STA 4+53.4,	9.0R 7.6L	CENTER OF CLEANOUT CENTERLINE OF MAIN
B	STA 5+54.7,	9.0R 7.7L	CENTER OF CLEANOUT CENTERLINE OF MAIN
C	STA 5+72.3,	9.0L 6.6L	CENTER OF CLEANOUT CENTERLINE OF MAIN

PROPOSED SEWER SERVICE LINES INDICATED IN THE TABLE ABOVE ARE APPROXIMATE LOCATIONS BASED ON THE BEST AVAILABLE INFORMATION. PRIOR TO EXCAVATION FOR MAIN STRUCTURE, CONTRACTOR SHALL POTHOLE NEAR R.O.W. TO DETERMINE THE EXACT LOCATION OF EXISTING SEWER SERVICE LINES.

TRENCH SHORING AND DEWATERING MAY BE NECESSARY FOR TRENCHING IN THIS AREA.

(FEET)

REGISTERED PROFESSIONAL ENGINEER
SEAN D. MORRIS
84974
CIVIL
STATE OF CALIFORNIA
8/4/13

WASTEWATER COLLECTION SYSTEM IMPROVEMENTS
FOR
CITY OF TULELAKE, CA
SEWER LINE REPLACEMENT
ALIGN 'A' - STA 4+00 TO 6+00

NO.	REVISION	DATE	BY

ADKINS CONSULTING ENGINEERING, LLC
Engineers & Planners & Surveyors
2200 Shasta Way • Klamath Falls, Oregon 97603 • (541) 884-9488 • FAX (541) 884-5388
Bend • Columbia

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DATE:	8-3-13
PROJECT:	1012-3502
FILE:	PAP
DESIGNED BY:	MOR
DRAWN BY:	MOR
CHECKED BY:	DRK
SURVEYED BY:	ACE
SCALE:	AS SHOWN

C9

CP 'C'

Attachment C

ADMINISTRATIVE CIVIL LIABILITY ORDER
Proposed Compliance Project Description – An Additional Certified Wastewater Treatment Plant Operator

Project Title: Second Certified Wastewater Treatment Operator for City of Tulelake Compliance Project (Second Operator CP)

Geographic Area of Interest: Tulelake Hydrologic Subarea of the Klamath Basin

Name of Responsible Entity: City of Tulelake

Estimated Cost of Project Completion: The total fines for the period July 1, 2005 through March 31, 2015 are $351,000. This estimated minimum cost of a second certified wastewater treatment plant operator in 2016 is $57,802.67. From January 2016 until July 15, 2020 the minimum cost of the second certified wastewater treatment plant operator is $272,049.15, all of which is proposed to suspend penalties up to $272,049.15 associated with violations occurring between July 1, 2005 and March 31, 2015. These costs up to $272,049.15 will be borne wholly by the City of Tulelake.

Contact Information:
Jenny Coelho
City Administrative Clerk
591 Main Street
Tulelake, CA 96134
530 667-5522

Brett Nystrom
Public Works Director
591 Main Street
Tulelake, CA 96134
530 667-2685

Project Description:
Tulelake will add a second certified wastewater treatment plant operator. The purpose of having a second certified wastewater treatment plant operator is to ensure that Tulelake has backup coverage for its plant operation at all times.

Water Body and Pollutants Addressed by this Project:

The wastewater treatment plant discharges wastewater to Tulelake Irrigation District (TID) drain number 44-B-1, which is tributary to the Tulelake-Lower Klamath Lake reach of the Lost River basin, waters of the United States. TID drain number 44-B-1 is hydraulically connected to the Tulelake Refuge. The wastewater treatment plant operations and effluent quality as a whole will be better assured through employment of a second licensed operator. The second licensed operator will assist with all maintenance, sampling, valves, the waste water system, etc. associated with the wastewater treated at the plant.

Project Schedule, Budget, Deliverables

A current employee is scheduled to take the certification test on October 10, 2015. Results are expected within three months of taking the test.

Table

Fiscal Year	Total
Jan-Jun 2016	$ 28,901.34
2016-2017	$ 58,971.10
2017-2018	$ 60,158.33
2018-2019	$ 61,385.65
2019-2020	$ 62,632.73
Grand Total:	$272,049.15

Annual wages were increased 1.5% and benefits were increased 2.5%.

The City will verify employment of this employee or an alternative second certified wastewater treatment operator on a quarterly basis from March 2016 until July 2020. The estimated minimum cost of a second licensed wastewater treatment plant over the fourth and a half year period from January 2016 through July 2020 is a minimum of $272,049.15. That cost will be wholly paid by the City of Tulelake. The City will submit quarterly reports in January, April, July and October verifying the employment of a second certified wastewater treatment plant operator. The first report will be due April 30, 2016. The final report will be due on October 30, 2020, if not submitted earlier.