



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

Mr. Marc Sulik, City of Chico
Wastewater Treatment Manager
Order No. R5-2010-0532
NPDES No. CA0079081

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board), the City of Chico (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board with jurisdiction over the facility to dispute the allegations of violations described in the Record of Violations (ROV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the ROV shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the State Water Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, in the sum of **\$3,000** (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the ROV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the ROV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Record of Violations.

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Robert A. Crandall, AEO
Central Valley Regional Water Quality Control Board
415 Knollcrest Drive, Suite 100
Redding, CA 96002

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Valley Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Central Valley Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Central Valley Water Board to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Water Board to resolve the violations set forth in the ROV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Quality Control Board with jurisdiction over the violations. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Officer of the Central Valley Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount of **\$3,000** by a certified check or cashier's check for the full amount payable to "State Water Resources Control Board Cleanup and Abatement Account, - Order No. R5-2010-0532". The payment will be submitted to the Central Valley Water Board no later than ten (10) calendar days after the date the Permittee receives written notice of that the Executive Officer of the Central Valley Water Board has executed this "Acceptance and Waiver."

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

City of Chico, Chico Water Pollution Control Plant
(Name of Permittee)

By: D. J. Burkland
(Signed Name)

9/15/10
(Date)

David Burkland
(Printed or Typed Name)

City Manager
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

BY: Pamela C. Creedon

9-22-2010
(Date)

PAMELA C. CREEDON
Executive Officer
Central Valley Water Quality Control Board



GENERAL SERVICES DEPARTMENT
WATER POLLUTION CONTROL PLANT

4827 Chico River Road
Chico, CA 95928

(530) 894-4300
Fax (530) 895-4730
<http://www.ci.chico.ca.us>

RECEIVED

SEP 24 2010

City Of Chico
DPW - WPCP

✓
11/1/10

VIA CERTIFIED - RETURN RECEIPT

September 16, 2010

Robert A. Crandall, AEO
Central Valley Regional Water Quality
Control Board
415 Knollcrest Drive Suite 100
Redding, CA 96002

Re: Acceptance of Conditional Resolution and Waiver of Right to Hearing
Order No. R5-2010-0532

Dear Mr. Crandall:

Please find enclosed Acceptance of Conditional Resolution and Waiver of Right to Hearing form which has been executed by City of Chico City Manager David Burkland.

We will wait for notice that the Waiver has been accepted prior to forwarding our check in the amount of \$3,000 in payment of the fine.

Sincerely yours,

Marc Sulik
Wastewater Treatment Manager

c: General Service Director
File

MS/mf

