



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

August 18, 2008

Delivered via: California Overnight Express

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

COMPLAINT NO. R6V-2008-0020, ISSUED TO THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY FOR MANDATORY MINIMUM PENALTY, VICTOR VALLEY WASTEWATER TREATMENT FACILITY, VICTORVILLE, SAN BERNARDINO COUNTY - WDID NO. 6B360109001

Enclosed is *Administrative Civil Liability Complaint for Mandatory Minimum Penalty No. R6V-2008-0020* (Complaint). The Complaint in the amount of **\$324,000** contains allegations that Victor Valley Wastewater Reclamation Authority (VWRA) violated effluent limitations specified by Board Orders Nos. 6-99-58 and R6V-2008-004, National Pollution Discharge Elimination System Permit No. CA0102822, from January 27, 2006, through July 9, 2008. The Complaint lists the dates and nature of the violations. This letter outlines your options for responding to the Complaint.

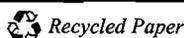
Discharger Waives Hearing

If VWRA decides to waive its right to a hearing regarding this matter and remit payment to the Lahontan Water Board, sign and return the original WAIVER OF HEARING form (enclosed) to our South Lake Tahoe office. In accordance with title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) and the State Water Board's Enforcement Policy, a 30-day public review period will be provided before the Lahontan Water Board considers accepting the settlement of the proposed administrative civil liability to allow other persons an opportunity to comment on the action.

There are two possible outcomes following the 30-day public review period. Those outcomes are:

1. Staff receives no new information and the settlement of the Complaint in the amount of **\$324,000** is final. Payment of the liability would be due within 30 days of the settlement becoming final.
2. Staff receives new information that convinces staff that settling the Complaint for **\$324,000** may not be in the public interest. In this scenario, staff would issue a new

California Environmental Protection Agency



Complaint and schedule a public hearing for a future Lahontan Water Board meeting to be held within 90 days of issuing the new Complaint.

Discharger Does Not Waive Hearing

If VVWRA chooses not to waive the hearing, a hearing will be held at the Lahontan Water Board's **November 12 and 13, 2008**, meeting. To ensure the Lahontan Water Board has the opportunity to fully study and consider written material, all material must be submitted in accordance with the deadlines specified in a Notice of Public Hearing that will be sent to you in the next few days. Written objections and materials submitted after the deadlines specified in the Notice of Public Hearing will not be accepted, except at the discretion of the Lahontan Water Board Chair. Untimely written material or objections will not be accepted or incorporated into the administrative record if doing so would prejudice the Lahontan Water Board, or any Designated Party. The Chair may choose to modify this rule upon a showing of severe hardship. (Cal Code Regs., tit. 23, sections 648.1 and 648.4) Any person seeking to submit late written materials must justify why the materials could not have been submitted earlier.

Schedule for Processing ACL Complaint

VVWRA may submit the Waiver of Hearing Form at any time up to **November 12, 2008**. However, if Lahontan Water Board staff does not receive the Waiver of Hearing Form by **October 10, 2008**, staff will schedule a hearing and prepare an Administrative Civil Liability Order for the Lahontan Water Board's consideration at its **November 12 and 13, 2008**, meeting. VVWRA and/or its representative would then have an opportunity to contest before the Lahontan Water Board the allegations and amount of corresponding liability presented in Administrative Civil Liability Complaint No. R6V-2008-0020.

Right to Petition

VVWRA may petition the State Water Board to review the decision of the Lahontan Water Board in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050. The State Water Board must receive the petition within 30 days after the Lahontan Water Board meeting at which the action is taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions or comments regarding this matter, please contact Eric J. Taxer at (530) 542-5434, Scott Ferguson at (530) 542-5432, or me at (530) 542-5410.



Robert S. Dodds
Assistant Executive Officer

Enclosures: Complaint No. R6V-2008-0020
Waiver of Hearing Form

cc (w/enclosures): Board Members/Lahontan Water Board
David Boyers/SWRCB, Office of Enforcement
Mark Bradley/SWRCB, Office of Enforcement
David Coupe/SWRCB, Office of Chief Counsel
Harold J. Singer/Lahontan Water Board
Phil Isorena/SWRCB-Division of Water Quality – NPDES Program
Curt Taucher, Regional Manager/CA Dept of Fish and Game
CA Dept. of Health Svcs, Office of Drinking Water, Dist. Engineer
Judy Hohman/US Fish & Wildlife Service
Fatima Ty, US EPA Region IX
Ken Greenburg, Permits and Compliance Branch, US EPA
Manuel Benitez, San Bernardino County Special Districts
Joan Mulcare, San Bernardino County EPA EHS
John Leveillee, Senior Engineer, City of Hesperia
Rod Sorensen, Acting Director of Public Works, City of Victorville
John Sponsler, Director of Adelanto Public Utility Authority
Dennis Cron, Director of Public Services, City of Apple Valley
Randy Hill, General Manager, Victor Valley Water District
Kirby Brill, General Manager, Mojave Water Agency
Steve Schoenbaum, General Manager, Silver Lakes Association

EJT/clhU:/Enforcement and Special Projects Unit/ VVWRA / VVWRA ACL Complaint Cover Letter, 2008-08-01 EJT
[File Under: Victor Valley Wastewater Reclamation Authority Regional Wastewater Treatment Plant/WDID No. 6B360109001]

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, W DID 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

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.

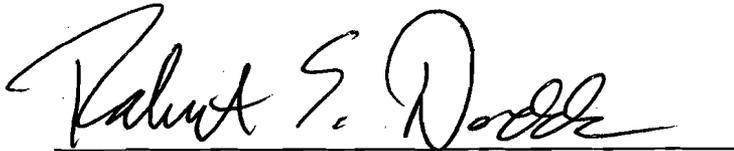
WAIVER OF HEARING

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

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

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

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

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/

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

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)

**WAIVER
OF RIGHT TO A
PUBLIC HEARING**

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

Complaint No. R6V-2008-0020
For
Mandatory Minimum
Administrative Civil Liability
\$324,000

**COMPLAINT NO. R6V-2008-0020, ISSUED TO THE VICTOR VALLEY
WASTEWATER RECLAMATION AUTHORITY FOR MANDATORY MINIMUM
PENALTY, VICTORVILLE, SAN BERNARDINO COUNTY - WDID NO. 6B360109001**

By signing below, the Victor Valley Wastewater Reclamation Authority (VWVRA)) waives its right to a hearing before the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) with regard to the violations alleged in Complaint No. R6V-2008-0020 (Complaint) and agrees to remit payment for the amount of the civil liability set forth above. VWVRA has been informed of the right provided by Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of an Administrative Civil Liability (ACL) Complaint and herein waives that right.

Please note that the settlement of the Complaint, as provided above, will not be effective until approved by the Lahontan Water Board following a 30-day public comment period. The public comment period is required pursuant to title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) and the State Water Resources Control Board 2002 Enforcement Policy (Enforcement Policy). During the period of public participation, which includes the 30-day comment period and a reasonable time thereafter for the Prosecution Staff to review and evaluate any public comments received, the Prosecution Staff retains complete discretion to terminate this settlement by withdrawing the Complaint and issuing a new Complaint. This waiver is void if the Prosecution Staff withdraws the Complaint.

In the event that this settlement does not take effect because it is not approved by the Lahontan Water Board, or is vacated in whole or in part by the State Water Resources Control Board or a court, VWVRA acknowledges that the matter may proceed to a contested evidentiary hearing before the Lahontan Water Board to determine whether to assess administrative civil liabilities for the underlying violations, unless the Parties

agree otherwise. By signing below, VVWRA agrees that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. VVWRA also agrees to waive any and all objections related to its efforts to settle this matter, including, but not limited to: 1) objections related to prejudice or bias of any of the Lahontan Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Lahontan 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 settlement, 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 settlement may be subject to administrative or judicial review.

The party signing below is a duly authorized representative of VVWRA in connection with the Complaint.

Victor Valley Wastewater Reclamation Authority Representative

Signature

Title

Date

Print your name

Send this signed form to:

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