

Central Coast Regional Water Quality Control Board

May 30, 2025

Barbara Buikema
General Manager
Carmel Area Wastewater District
P.O. Box 221428
Carmel, CA 93922
Email: buikema@cawd.org

**Via Electronic Mail and Certified Mail
9589 0710 5270 0883 4153 32**

Dear Barbara Buikema:

**ENFORCEMENT PROGRAM: CARMEL AREA WASTEWATER DISTRICT
TREATMENT FACILITY, 26900 STATE ROUTE ONE, MONTEREY COUNTY, WDID 3
270101001 – EXPEDITED PAYMENT PROGRAM – EXECUTED ADMINISTRATIVE
CIVIL LIABILITY ORDER R3-2025-0021 TO RESOLVE PERMIT VIOLATIONS**

Attached is Administrative Civil Liability Order R3-2025-0021 (ACL Order) signed by the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Executive Officer. The ACL Order resolves mandatory minimum penalties for Carmel Area Wastewater District (Discharger) violations of effluent limitations contained in Waste Discharge Requirements (WDR) Order R3-2014-0012, National Pollutant Discharge Elimination System Permit (NPDES) CA0047996, that occurred from December 15, 2022, to October 31, 2024, as shown in the notice of violation (NOV) attached to the ACL Order. Central Coast Water Board staff publicly noticed the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) from April 10, 2025, to May 11, 2025, and received no comments.

As provided in the ACL Order, the Discharger is subject to a total payment amount of \$30,000 (Penalty Amount). **No later than June 29, 2025**,¹ the Discharger must submit payment to the State Water Resources Control Board (State Water Board) State Water Pollution Cleanup and Abatement Account² by taking the following actions:

1. Pay \$30,000 by check payable to “State Water Pollution Cleanup and Abatement Account,” noting “ACL Order R3-2025-0021” on the check, and mail to:

State Water Board Accounting Office
Attention: ACL Payment

¹ Please note that this due date supersedes any other due date that may be shown on invoices.

² Cleanup and Abatement Account:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

P.O. Box 1888
Sacramento, CA 95812-1888

2. Submit a copy of the above payment by email to Tamara Anderson at tamara.anderson@waterboards.ca.gov or mail to:

Central Coast Regional Water Quality Control Board
Enforcement Unit
Attention: Tamara Anderson
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

The State Water Board Division of Administrative Services Fee Branch [(916) 341-5247 or FeeBranch@waterboards.ca.gov] typically mails invoices within five business days after orders are issued, but delays are possible. If the Discharger does not receive an invoice within 10 business days after the date of this transmittal letter, Central Coast Water Board staff advises the Discharger to proceed with making the payment to avoid being late. Similarly, the Discharger may simply elect to make its payment before receiving an invoice. **In either case, it is critical that the Discharger's check refers to the ACL Order R3-2025-0021 as instructed above.** If the Discharger elects to pay before receiving the invoice, Central Coast Water Board staff advises the Discharger to contact the Fee Branch to confirm that the payment is posted correctly.

The Discharger also has the option to make the payment to the State Water Pollution Cleanup and Abatement Account by online electronic fund transfer (without surcharge) or credit card (with small surcharge) but must first wait to receive the above invoice, because the invoice number is needed for the transaction. After receiving the invoice, the Discharger may then go to the Fee Branch's "Make a Payment" website³ for guidance on the available payment options.

Payment of the full Penalty Amount will conclude the Central Coast Water Board's enforcement action for the violations identified in the NOV attached to the ACL Order.

If you have any questions, please contact Sarah Crable at sarah.crable@waterboards.ca.gov or (805) 549-3706, or Tamara Anderson at tamara.anderson@waterboards.ca.gov or (805) 549-3334.

Sincerely,

Ryan E. Lodge
Executive Officer

³ Fee Branch payment website: https://www.waterboards.ca.gov/make_a_payment/

Attachment:

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0021

cc via email:

Central Coast Water Board:

Angela Schroeter

Tamara Anderson

Harvey Packard

Sarah Crable

Todd Stanley

File Location: R:\RB3\Shared\Enforcement\ACLOs\MMP ACLO from EPL Offers\2025-0021 Carmel MMP
ACLO\Carmel MMP ACLO 25-0021 Pkg.docx

ECM Primary Indexing # 213281

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING;**

ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0021

Carmel Area Wastewater District (Discharger)
Wastewater Treatment Facility
26900 State Route One, Carmel, CA
Monterey County
Waste Discharge Requirements Order R3-2014-0012
National Pollutant Discharge Elimination System (NPDES) Permit CA0047996
WDID: 3 270101001

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Discharger hereby accepts the Conditional Settlement Offer from the Assistant Executive Officer to participate in the expedited payment program to settle the alleged violations and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violations. The alleged violations are identified in the attached notice of violation (NOV).

The Discharger agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the mandatory minimum penalties (Penalty Amount) authorized by California Water Code sections 13385 and 13385.1, as specified in the NOV, which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Discharger understands that by signing this Acceptance and Waiver, the Discharger waives its right to contest the allegations in the NOV and the amount of administrative civil liability for such violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

The Discharger understands that federal regulations set forth in title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment.

If no public comments or new material facts are received within the public comment period that cause the Central Coast Water Board Assistant Executive Officer to reconsider the proposed Conditional Settlement Offer, the Executive Officer, through its delegated authority by the Central Coast Water Board, will consider execution of the Acceptance and Waiver as the executed Administrative Civil Liability Order R3-2025-0021 (ACL Order) that resolves the alleged violations identified in the NOV.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0021

If significant public comments are received in opposition to the Acceptance and Waiver and/or new material facts become available that are relevant to the Acceptance and Waiver, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and the matter would be set for a hearing before the Central Coast Water Board. For such a civil liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not be used as evidence against the Discharger.

Penalty Amount: \$30,000

The Discharger must pay the total Penalty Amount to the State Water Pollution Cleanup and Abatement Account.¹

Upon signature by the Discharger, the Discharger must return this Acceptance and Waiver in pdf format via email or mail to:

Tamara Anderson
Enforcement Coordinator
Email: tamara.anderson@waterboards.ca.gov
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board. After the pending public comment period and execution of the Acceptance and Waiver as the executed ACL Order by the Executive Officer, the Central Coast Water Board will transmit the executed ACL Order to the Discharger. The transmittal letter will include payment due dates and payment instructions based on the payment options selected in the Acceptance and Waiver. The full payment of the Penalty Amount shall be due within 30 calendar days of the executed ACL Order. Furthermore, the Discharger understands that full payment within 30 calendar days of the executed ACL Order is a material condition of this Acceptance and Waiver. Failure to pay the Penalty Amount within the required time period may subject the Discharger to further liability.

¹ Cleanup and Abatement Account:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0021

IT IS SO STIPULATED.

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

By: S. Buikema 3-28-25
(Signed Name) (Date)

Barbara Buikema
(Printed or Typed Name)

buikema@camd.org
(Email)

General Manager
(Title)

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0021

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60 on behalf of the California Regional Water Quality Control Board, Central Coast Region that ACL Order 2025-0021 is hereby adopted.

By: _____
Ryan E. Lodge
Executive Officer
Central Coast Water Board

Attachment: Notice of Violation

File Location: R:\RB3\Enforcement\EPLs\2025-0021 Carmel WWTP\Carmel MMP EPL
25-0021 Waiver.docx

ECM Primary Indexing # 213281

Exhibit A – Notice of Violation
Carmel Area Wastewater District Treatment Facility
Mandatory Minimum Penalty Violations Requiring Enforcement
Alleged Violation Dates: December 15, 2022 – October 31, 2024

The enforcement staff of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) reviewed information submitted by this facility to determine whether the discharger is subject to mandatory minimum penalties (MMPs) pursuant to subdivisions (h) and (i) of California Water Code section 13385 and section 13385.1. The following table or tables list this facility's alleged violations of Waste Discharge Requirements Order R3-2014-0012, National Pollutant Discharge Elimination System Permit CA0047996 from December 15, 2022, to October 31, 2024, for which the Central Coast Water Board has not assessed MMPs. Final calculation of MMP amounts owed and definitions of some of the terms used in this document are listed below the table.

For additional information about the alleged violations listed in the table, please refer to [the State Water Resources Control Board CIWQS Public Reports webpage](#) and select the "Mandatory Minimum Penalty (MMP) Report" link located under the "Violations Reports" category. Once in the Mandatory Minimum Penalty Reports search page, select Region 3 along with the beginning and ending dates shown in this exhibit, select Run Report, and then select your facility to access the list of violations. Expand the "Effluent MMP Violations" and/or "Late Report MMP Violations" sections of that page by selecting the "+" icon to the left of the section titles. To view details of a violation, select the "Violation ID" number. For chronic (non-serious) effluent violations, select the "Chronic" link in the "MMP Type" column of the "Effluent Limit Violations" section to see a list of the three or more violations preceding each chronic violation within 180 days and thus qualifying the chronic violation as an MMP.

EPL R3-2025-0021 – Exhibit A
Stipulated ACL Order R3-2025-0021
Carmel Area Wastewater District Treatment Facility

Effluent MMP Violations Table

| # | Violation Number | Violation Date | Pollutant | Pollutant Type | Limit Period | Limit | Result | Units | % Over Limit | <u>S or C</u> <u>for</u> <u>Serious</u> <u>or</u> <u>Chronic</u> <u>(Non-Serious)</u> <u>Violation</u> | Date 180 Days Prior | Number of Violations within 180 days | Mandatory Minimum Penalty |
|---|------------------|----------------|--------------------------|----------------|-----------------------|-------|--------|-------|--------------|--|---------------------|--------------------------------------|---------------------------|
| 1 | 1112749 | 12/15/22 | Chlorine, Total Residual | Group 2 | Instantaneous Maximum | 7.3 | 10 | mg/L | 37% | S | 6/18/22 | N/A | \$ 3,000 |
| 2 | 1119568 | 7/18/23 | Total Suspended Solids | Group 1 | Daily Maximum | 90 | 127 | mg/L | 41% | S | 1/19/23 | N/A | \$ 3,000 |
| 3 | 1119569 | 7/20/23 | Total Suspended Solids | Group 1 | Daily Maximum | 90 | 126 | mg/L | 40% | S | 1/21/23 | N/A | \$ 3,000 |
| 4 | 1119570 | 7/22/23 | Total Suspended Solids | Group 1 | Weekly Average | 45 | 74 | mg/L | 64% | S | 1/23/23 | N/A | \$ 3,000 |
| 5 | 1119571 | 7/31/23 | Total Suspended Solids | Group 1 | Monthly Average | 30 | 32 | mg/L | 7% | C | 2/1/23 | 5 | \$ 3,000 |
| 6 | 1120379 | 8/2/23 | Total Suspended Solids | Group 1 | Daily Maximum | 90 | 96 | mg/L | 7% | C | 2/3/23 | 6 | \$ 3,000 |

EPL R3-2025-0021 – Exhibit A
Stipulated ACL Order R3-2025-0021
Carmel Area Wastewater District Treatment Facility

| # | Violation Number | Violation Date | Pollutant | Pollutant Type | Limit Period | Limit | Result | Units | % Over Limit | <u>S or C</u> <u>for</u> <u>Serious</u> <u>or</u> <u>Chronic</u> <u>(Non-Serious)</u> <u>Violation</u> | Date 180 Days Prior | Number of Violations within 180 days | Mandatory Minimum Penalty |
|----|------------------|----------------|------------------------|----------------|-----------------|-------|--------|-------|--------------|--|---------------------|--------------------------------------|---------------------------|
| 7 | 1136502 | 10/5/24 | Total Suspended Solids | Group 1 | Weekly Average | 45 | 67 | mg/L | 49% | S | 4/8/24 | N/A | \$ 3,000 |
| 8 | 1136501 | 10/9/24 | Total Suspended Solids | Group 1 | Daily Maximum | 90 | 94 | mg/L | 4% | C | 4/12/24 | 4 | \$ 3,000 |
| 9 | 1136499 | 10/12/24 | Total Suspended Solids | Group 1 | Weekly Average | 45 | 47 | mg/L | 4% | C | 4/15/24 | 5 | \$ 3,000 |
| 10 | 1136500 | 10/31/24 | Total Suspended Solids | Group 1 | Monthly Average | 30 | 32 | mg/L | 7% | C | 5/4/24 | 6 | \$ 3,000 |

Total Penalty for Effluent Violations: \$30,000

Calculation of Total Mandatory Minimum Penalty Amount for Effluent Violations:
(5 Serious Violations + 5 Non-Serious Violations) × \$3,000 = \$30,000

For Group 1 pollutants, a violation is serious when the limit is exceeded by 40% or more, and non-serious when the limit is exceeded by less than 40%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

EPL R3-2025-0021 – Exhibit A
Stipulated ACL Order R3-2025-0021
Carmel Area Wastewater District Treatment Facility

For Group 2 pollutants, a violation is serious when the limit is exceeded by 20% or more, and non-serious when the limit is exceeded by less than 20%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

Each serious violation is subject to a mandatory minimum penalty of \$3,000.

A non-serious (also known as chronic) violation is subject to a mandatory minimum penalty of \$3,000 when it is preceded by three chronic or serious violations (or more) in a 180-day period representing six consecutive months (e.g., period commencing on the date of the violation being evaluated and ending 180 days before that date). The three most recent preceding chronic or serious violations within the 180-day period that are counted first toward qualifying a chronic violation for a mandatory minimum penalty are not penalized within that specific determination.

For example, if a violation named V4 is preceded by three violations V1, V2, and V3 within a 180-day period, V4 is determined to be subject to a mandatory minimum penalty of \$3,000. Within that specific determination for violation V4, V1 through V3 are counted but not penalized. However, each violation is subject to its own specific determination. So, V1, V2, and V3 are each subject to their own evaluation based on their specific occurrence dates and applicable 180-day periods and may warrant or have warranted in a previous enforcement action their own penalty as a chronic or serious violation.

Accordingly, all violations indicating “C” for “Chronic” in the above table also show four or more violations within 180 days because each of the chronic violations is preceded by three (or more) violations in that period. Please see the instructions on the first page of this exhibit if you would like to view in CIWQS all of the preceding violations applicable to the above chronic violations.

| Term | Definition |
|-------|--|
| Units | mg/L = milligrams per liter |
| N/A | Not Applicable |
| CIWQS | California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities, as well as other data types relevant to water quality protection. |

EPL R3-2025-0021 – Exhibit A
Stipulated ACL Order R3-2025-0021
Carmel Area Wastewater District Treatment Facility

| Term | Definition |
|---------------------------------|---|
| Violation Number | Identification number assigned to a violation in CIWQS. |
| Violation Date | Date that a violation occurred, with the exception that for some violation types, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date used is the day the violation was first discovered by staff, the Discharger, or a third party. |
| Pollutant Types: Group 1 & 2 | Groups of pollutants defined in the State Water Resources Control Board Water Quality Enforcement Policy. Also referred to as Category 1 or CAT1 and Category 2 or CAT2, respectively. |

File Location: R:\RB3\Enforcement\EPLs\2025-0021 Carmel WWTP\Carmel MMP EPL Offer 25-0021 Exh A.docx

ECM Primary Indexing # 213281