

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

In the Matter of:

ORDER R5-2019-0514

**CITY OF JACKSON
WASTEWATER TREATMENT PLANT
AMADOR COUNTY**

**SETTLEMENT AGREEMENT AND
STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY
ORDER**

I. Introduction

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and City of Jackson (City or Discharger)(collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60.

II. Recitals

2. The Discharger owns and operates the City of Jackson Wastewater Treatment Plant (Facility), which provides sewerage service to the City of Jackson in Amador County. Treated domestic, commercial and industrial wastewater is discharged to Jackson Creek, a water of the United States, and tributary to Lake Amador.
3. On 5 December 2013, the Central Valley Water Board issued Waste Discharge Requirements (WDRs) Order R5-2013-0146 to regulate the Facility, effective 24 January 2014, and rescinded Order R5-2007-0133-01, except for enforcement purposes. On 6 February 2015, the Board amended WDRs R5-2013-0146-01, which removed the effluent limitation for copper contained in WDRs R5-2013-0146.
4. On 5 February 2015, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2015-0003 which included interim effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, and total trihalomethane and provides protection from mandatory minimum penalties (MMPs) for these constituents until 1 March 2018. On 18 February 2016, the Central Valley Water Board amended TSO R5-2015-0003 to extend the date for compliance with the final effluent limitations to 1 November 2018. On 20 October

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2017, the Central Valley Water Board amended TSO R5-2015-0003-01 to extend the date for compliance with the final effluent limitations to 31 May 2019. On 5 April 2018, the Central Valley Water Board amended TSO R5-2015-0003-02, which added interim effluent limitations for total coliform and provided protection from MMPs until 31 May 2019.

5. On 31 May 2018, the Central Valley Water Board adopted WDRs Order 2018-0036, effective 1 August 2018, which rescinded Order R5-2013-0146-01, except for enforcement purposes. The WDRs included effluent limitations and other requirements. On 31 May 2018, the Water Board adopted TSO R5-2018-0037 and rescinded TSO R5-2015-0003-03. TSO R5-2018-0037 includes interim effluent limitations for cyanide, chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite, total trihalomethane, and total coliform and provides protection from MMPs for these constituents until 31 May 2019.
6. On 28 May 2019, the Central Valley Water Board staff issued the Discharger a draft Record of Violations (ROV) for the period 1 February 2017 through 31 January 2019. The Discharger provided more information and requested that the Central Valley Water Board dismiss some of the total chlorine residual violations listed in the ROV. Central Valley Water Board staff reevaluated the hourly and four-day average total chlorine residual violations and determined that some of the MMPs should be dismissed. These changes are described in more detail in Attachment A.
7. WDRs Order R5-2013-0146-01, section IV.A.1.d., includes, in part, the following effluent limitations:

Total Residual Chlorine. Effluent total chlorine shall not exceed:

- I. 0.011 mg/L, as 4-day average; and
- II. 0.019 mg/L, as a 1-hour average.

8. WDRs Order R5-2013-0146-01, section IV.A.1.e., includes, in part, the following effluent limitations:

Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- I. most probable number (MPN) per 100 mL, as a 7-day median;
- II. 23 MPN/100 mL, more than once in any 30-day period; and
- III. 240 MPN/100 mL, at any time.

9. WDRs Order R5-2018-0036 section IV.A.1.a, includes, in part, the following effluent limitations:

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001. Unless otherwise specified, with compliance measured at Monitoring Location EFF-001.

Effluent Limitations

Parameter	Units	Instantaneous	Instantaneous Minimum
pH	Standard Units	6.5	8.0

10. WDRs Order R5-2018-0036-0081 section IV.A.1.d., includes, in part, the following effluent limitations:

Total Residual Chlorine: Effluent total residual chlorine shall not exceed the following:

- i. mg/L, as a 4-day average; and
- ii. 0.019 mg/L, as a 1-hour average.

11. Water Code section 13385, subdivisions (h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385, subdivision (h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385, subdivision (h)(2) states:

For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385, subdivision (i)(1) states, in part:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation

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whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- 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.

12. According to the Discharger's self-monitoring reports, the Discharger committed four (4) serious Group II violations of the above effluent limitations contained in WDRS Orders R5-2013-0146-01 and R5-2018-0036, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group II pollutants exceeded maximum prescribed levels in WDRs Orders R5-2013-0146-01 and R5-2018-0036 by 20 percent or more. The mandatory minimum penalty for these serious violations is **twelve thousand dollars (\$12,000)**.
13. According to the Discharger's self-monitoring reports, the Discharger committed fourteen (14) non-serious violations of the above effluent limitations contained in WDRs Order R5-2013-0146-01 and R5-2018-0036. Ten (10) of these non-serious violations are subject to mandatory penalties under CWC section 133385 subdivision (i)(1) because these violations were preceded by three or more similar violations within a 180-day period. The mandatory minimum penalty for these non-serious violations is **thirty thousand dollars (\$30,000)**.
14. The total amount of the mandatory minimum penalties assessed for the alleged effluent violations is **forty-two thousand dollars (\$42,000)**. As stated herein, a detailed list of the alleged effluent violations is included in Attachment A.
15. Water Code section 13385 (k) states:
 - (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

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- (A) The compliance project is designed to correct the violations within five years.
 - (B) The compliance project is in accordance with the 2017 State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy), excluding any provision in the policy that is inconsistent with this section
 - (C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.
- (2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.
16. Under the Enforcement Policy, a publicly owned treatment work (POTW) serving a small community is a POTW serving a community that has a financial hardship and has a population of 10,000 or fewer people or lies completely within one or more rural counties.
17. Under the Enforcement Policy, "financial hardship" means that the community served by the POTW meets one of the following criteria:
- a) Median household income for the community is less than 80 percent community served by California median household income.
 - b) The community has an unemployment rate of 10 percent or greater, or
 - c) Twenty percent of the population is below the poverty level.
18. The Central Valley Water Board finds the Discharger is eligible for a Compliance Project because the Facility is a publicly owned treatment works serving a small community with a financial hardship. The Facility is located in Amador County, which is a qualified rural county based on the 2013 United States Department of Agriculture Rural-Urban Continuum Codes for California, and serves a population of 4,651 with a median household income (MHI) of \$45,278, which is 67% of the statewide MHI, according to the 2013-2017 American Community Survey 5-Year Estimates.

19. On 11 June 2019, the Discharger submitted information on the Wastewater Treatment Upgrade Project (Project) which was completed on 15 January 2019. The Project included upgrade of oxidation ditches, installation of new disk filters, and upgrade to ultraviolet disinfection. The City received a \$12 million State Revolving Fund (SRF) loan to fund the Project which will be paid back over the next thirty years. The first payment of \$471,638.85, which includes principal payment of \$315,874.44 and interest of \$155,764.41, is due in January 2020.
20. The Discharger was unable to consistently comply with the final effluent limitation for total coliform, total chlorine residual, pH, and chlorine byproducts (chlorodibromomethane, dichlorobromomethane, and total trihalomethanes) in WDRs. Hence, the Project has corrected the issues at the Facility which caused the violations and the Discharger has spent in excess of the alleged mandatory minimum penalty. Therefore, the Project qualifies as a Compliance Project.
21. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. To resolve the violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of an ACL in the amount of **forty-two thousand dollars (\$42,000)** in MMPs against the Discharger. The entire **forty-two thousand dollars (\$42,000)** penalty has been satisfied through the completion of the compliance project described in Finding 19 and 20.
22. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.

III. Stipulations

The Parties stipulate to the following:

23. **Jurisdiction**: The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.
24. **Administrative Civil Liability**:
 - a) The Discharger hereby agrees to the imposition of an ACL in the amount of **forty-two thousand dollars (\$42,000)** to the Central Valley Water Board to resolve the violation specifically alleged in Attachment A to this Order.

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- b) The entire **forty-two thousand dollars (\$42,000)** penalty has been satisfied through the completion of the Project described in Finding 19 and 20, in accordance with Water Code section 13385(k) incorporated herein by reference. In accordance with Water Code section 13385(k), of mandatory penalties (i.e., \$42,000) shall be permanently suspended upon adoption of this Order.

25. **Representations and Agreements:** The Discharger understands that the completed Compliance Project is a material condition of this settlement of liability between the Discharger and the Central Valley Water Board Prosecution Team. As a material consideration for the Central Valley Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that, in accordance with Water Code section 13385, subdivision (k)(1).

- A. The Compliance Project designed to correct the violations within five years.
- B. The Compliance Project is in accordance with the Enforcement Policy of the state board:
 - i. The Central Valley Water Board will not authorize additional compliance projects for the project the Discharger completed as described above, except under unusual circumstances.
 - ii. The Discharger agrees that the Central Valley Water Board has the right to require a third-party audit of the funds expended by it to implement the Compliance Project; and
 - iii. The Discharger shall permit inspection of the Compliance Project by Central Valley Water Board staff during normal business hours, at any location where the Compliance Project is being implemented, as well as review of any documents associated with implementation of the Compliance Project, at any time without notice.

26. **Third Party Financial Audit of Compliance Project:** At the written request of the Central Valley Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Central Valley Water Board providing such party's(ies's) professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to the Central Valley Water Board within six (6) months of notice from the Central Valley Water Board to the Discharger of the

need for an independent third-party audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.

27. **Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an ACL in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that additional violations of the type alleged may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

28. **Party Contacts for Communications Related to Stipulated Order:**

For the Central Valley Water Board:

Xuan Luo, Senior Water Resources Control Engineer
NPDES Compliance and Enforcement
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4606
xuan.luo@waterboards.ca.gov

For the Discharger:

Yvonne Kimball, City Manager
City of Jackson
33 Broadway
Jackson, CA 95642-2301

29. **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.

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

31. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated 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.
32. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of ACL complaints or orders for violations other than those addressed by this Order.
33. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
34. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
35. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.
36. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.
37. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether

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to assess an ACL for the underlying alleged violations, or may continue to pursue settlement. 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 any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties settlement positions, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or
- b. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.

38. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board.

39. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

40. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, the Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or cause of action, which arise out of or are related to this action.

41. **Water Boards Not Liable:** Neither the Central Valley Water Board members, nor the Central Valley Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or its respective directors, officers, employees, agents, representatives, or contractors in carrying out

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activities pursuant to this Order, nor shall the Central Valley Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order.

42. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
43. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
44. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
45. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
46. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.
47. **Counterpart Signatures:** This Order 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.

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IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: Original Signed By
Andrew Altevogt
Assistant Executive Officer

8/27/2019
Date

City of Jackson

By: Original Signed By
Yvonne Kimball
City Manager

8/20/2019
Date

HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley 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, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

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

Original Signed By
Patrick Pulupa
Executive Officer
Central Valley Regional Water Quality
Control Board

10/15/2019
Date

Attachment A: Record of Violations

**R5-2019-0514 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

**City of Jackson
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 February 2017 – 31 January 2019) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5 2013-0146-01 and R5-2018-0031)

The following table lists the alleged violations subject to mandatory minimum penalties (MMPs), pursuant to Water Code section 13385(h) and (i).

Table A. Violations subject to Mandatory Penalties

Item	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS
A	23-Dec-16	Total coliform	MPN/100 mL	2.2	4	7-Day Median	OEV	CHRON	1022180
1	13-Nov-17	Total coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	NCHRON	1037711
2	15-Nov-17	Total coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	NCHRON	1037712
3	17-Nov-17	Total coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	NCHRON	1037713
4	20-Nov-17	Total coliform	MPN/100 mL	2.2	7.8	7-Day Median	OEV	CHRON	1036327
5	21-Nov-17	Total coliform	MPN/100 mL	23	20.4	7 Day Median	OEV	CHRON	1036325
6	21-Nov-17	Total coliform	MPN/100 mL	2.2	33	> Once in 30-day period	OEV	CHRON	1037389
7	22-Nov-17	Total coliform	MPN/100 mL	2.2	20.4	7-Day Median	OEV	CHRON	1037714
8	11-Dec-17	Total Coliform	MPN/100 mL	23	110	> Once in 30-day period	OEV	CHRON	1048360
9	13-Dec-17	Total Coliform	MPN/100 mL	2.2	13	7-day median	OEV	CHRON	1038228
10	15-Dec-17	Total Coliform	MPN/100 mL	2.2	13	7-day median	OEV	CHRON	1038226
11	27-Dec-17	Total Coliform	MPN/100 mL	2.2	4.9	7-day median	OEV	CHRON	1038225
12	25-Jan-18	Total Coliform	MPN/100 mL	2.2	4	7-day median	OEV	CHRON	1039492
13	29-Jan-18	Total Coliform	MPN/100 mL	2.2	4	7-day median	OEV	CHRON	1039487
14	19-Apr-18	Total Residual Chlorine	mg/L	0.019	0.158	1-Hour average	CAT 2	SIG	1043686

**R5-2019-0514 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS
15	13-Aug-18	Total Residual Chlorine	mg/L	0.019	0.047	1-Hour average	CAT 2	SIG	1048831
16	6-Sep-18	pH	S.U.	8.0	9.6	Instantaneous Maximum	OEV	NCHRON	1051637
17	15-Nov-18	Total Residual Chlorine	mg/L	0.019	0.855	1-Hour Average	CAT 2	SIG	1054524
18	15-Nov-18	Total Residual Chlorine	mg/L	0.011	0.021	4-Day Average	CAT 2	SIG	1057148

- **Item A.** Supporting violations addressed in ACLO R5-2018-0517.
- **Item 6.** On 21 November 2017, Total Coliform measured at 33 MPN/100 mL while the limit was 2.2 MPN/100 mL. The violation was greater than once in a 30 day period. The first excursion occurred on 20 November 2017 with a reported result of 79 MPN/100 mL.

EXPEDITED PAYMENT AMOUNT VIOLATIONS SUMMARY

VIOLATIONS AS OF:	1/31/2019
Group I Serious Violations:	0
Group II Serious Violations:	4
Non-Serious Violations Not Subject to MMPs:	4
<u>Non-serious Violations Subject to MMPs:</u>	<u>10</u>
Total Violations Subject to MMPs:	14

Mandatory Minimum Penalty Amount for Effluent Limit Violation(s)

4 Serious Group II Violation(s) x \$3,000 Violation = \$12,000
 10 Non-Serious Violation subject to MMP x \$3,000 per Violation = \$30,000

Total Expedited Mandatory Minimum Penalty = \$42,000

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Table B: Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CAT 2	Violation of effluent limitation for Group II pollutant
CHRON	Chronic violation as defined by Water Code section 13385 (i). Any non-serious violation that falls within a 180-day period with three preceding violations. Thus, the fourth non-serious violation that occurs within a 180-day period is subject to MMPs.
CIWQS	California Integrated Water Quality System https://www.waterboards.ca.gov/water_issues/programs/ciwqs/
CTOX	Violation of chronic toxicity effluent limitation.
DREP	Deficient reporting violation. This will only result in MMPs if the report is so deficient as to make determination of compliance impossible for the reporting period.
LREP	Late Reporting violation. Every 30-Days a report is late counts as one serious late reporting violation subject to MMPs.
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.
Occurrence Date	Date that a violation occurred. For averaging period limitation violations, such as weekly and monthly averages, the last day of the reporting period is used such as last day of the week (Saturday) and last day of the month, respectively.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more. For Group II pollutants that exceed the effluent limitation by 20 percent or more.