

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

In the Matter of:

ORDER R5-2022-0500

**CITY OF ALTURAS
CITY OF ALTURAS WASTEWATER
TREATMENT PLANT
MODOC 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) 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), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the City of Alturas (Discharger) (collectively, 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 Alturas Wastewater Treatment Plant (Facility), which provides sewerage service to approximately 2,500 residents of Modoc County. The Facility discharges treated domestic wastewater to the Pit River, a water of the United States.
3. On 27 March 2014, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2014-0033 (NPDES No. CA0078921) to regulate the Facility, which requires, among other things, compliance with effluent limitations at Discharge Point No. 001.
4. From 31 December 2017 to 19 March 2020, the Discharger violated effluent limitations in WDRs Order R5-2014-0033 at Discharge Point No. 001. The violations are specifically identified in Attachment A, attached hereto and incorporated by reference, and are subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i).

5. On 20 February 2020, the Central Valley Water Board adopted WDRs Order R5-2020-0004, which contained new requirements and rescinded WDRs Order R5-2014-0033. WDRs Order R5-2020-0004 became effective on 1 April 2020.
6. From 31 May 2020 to 31 October 2020, the Discharger violated effluent limitations at Discharge Point No. 001. The violations are specifically identified in Attachment A, attached hereto and incorporated by reference, and are subject to MMPs pursuant to Water Code section 13385, subdivisions (h) and (i).
7. Water Code section 13385, subdivisions (h) and (i) require the assessment of MMPs as follows:

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:

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 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.
8. According to the Discharger's self-monitoring reports (SMRs), and as identified in Table A of Attachment A, the Discharger committed five (5) serious violations and six (6) non-serious violations of effluent limitations contained in WDRs Orders R5-2014-0033 and R5-2020-0004 that are subject to MMPs. **The MMP amount for the alleged effluent limitation violations is thirty-three thousand dollars (\$33,000).**
9. Water Code section 13385, subdivision (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:
 - (A) The compliance project is designed to correct the violations within five years.
 - (B) The compliance project is in accordance with the enforcement policy of the state board, 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.

10. Under the State Water Resources Control Board's Water Quality 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 of the 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.
11. The Central Valley Water Board finds that the Discharger is eligible for a Compliance Project because the Facility is a POTW serving a small community with a financial hardship. The Discharger serves a community with a population of approximately 2,500, lies completely within a rural county, and has a median household income (MHI) of approximately \$37,917, which is less than 80% of the statewide MHI, according to the 2019 American Community Survey 5-Year Estimates.
12. The Discharger submitted a Compliance Project proposal to eliminate future effluent limitation violations. Additional information and requirements regarding the Compliance Project is contained in Attachments B, attached hereto and incorporated by reference.
13. 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 set forth in Attachment A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability (ACL) in the amount of **thirty-three thousand dollars (\$33,000)** in MMPs against the Discharger.

14. 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:

15. **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.
16. **Administrative Civil Liability:**
- A) The Discharger agrees to the imposition of an ACL in the amount of **thirty-three thousand dollars (\$33,000)** to resolve the violations alleged in Attachment A.
 - B) The Parties agree that the entire ACL amount of **thirty-three thousand dollars (\$33,000)** will be suspended pending completion of the Compliance Project described herein and Attachment B and pending conversion of the surface water discharges from the Discharger's facility to land disposal. This amount is also referred to as the Suspended Liability Amount.
17. **Description of Compliance Project:** The Compliance Project, consisting of a site investigation, is a component project of a larger, long-term project designed to correct the effluent limitation violations within 5 years by converting the surface water discharges from the Discharger's facility to land disposal. The Compliance Project will provide information necessary to design a new land discharge facility, through which all surface water discharge will be eliminated. The complete description for the Compliance Project is contained in Attachment B, incorporated herein by reference.
18. **Inspection Authority:** The Discharger agrees that Central Valley Water Board staff have permission to inspect the Compliance Project, including any documents associated with implementation of the Compliance Project, at any time without notice.

19. **Compliance Project Budget:** The Discharger is proposing to spend the equivalent amount of administrative civil liability, as calculated in Attachment A, on the Compliance Project. The Discharger has prepared a financing plan to complete the Compliance Project.

20. **Compliance Project Schedule and Reporting Requirements:** The Discharger anticipates completing the Compliance Project within one year of the date of approval of this Stipulated Order (Compliance Project Completion Date). The Discharger shall submit the following reports to the Central Valley Water Board contact identified in Paragraph 25 below:

A) **Certification of Completion:** No later than the Compliance Project completion dates identified in Attachment B, a responsible official of the Discharger shall submit a final report and certified statement, signed under penalty of perjury, which documents that the Discharger completed the Compliance Project in accordance with the terms of this Stipulated Order, and documents the Discharger's expenditures to implement the Compliance Project. Documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Central Valley Water Board to evaluate completion of the Compliance Project and the costs incurred. The Discharger shall provide Central Valley Water Board staff with any additional information that is reasonably necessary to verify the Discharger's expenditures and certification of completion.

B) The Discharger agrees to separately provide a written summary annually on the status of the long-term land disposal conversion project, beginning one-year after the Discharger's completion of the Compliance Project. This update shall include a notification of long-term project abandonment should the Discharger determine that the long-term project ultimately will not be completed and an explanation of that determination.

21. **Third Party Financial Audit of Compliance Project:** If the Central Valley Water Board obtains information indicating that the Discharger has not expended money on the Compliance Project in the amount claimed, or has not adequately completed the Compliance Project, the Central Valley Water Board may require the Discharger to submit, at its sole costs, a written 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 or has not expended money in the amounts claimed. The audit report shall be provided to the Central Valley Water Board within three (3) 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.

22. 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 herein may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements that may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

23. Failure to Complete Compliance Project or Failure to Convert to Land Discharge : If the Compliance Project is not fully implemented by the Compliance Project Completion Date described in Attachment B, or if the Discharger fails to convert the surface water discharges from the Discharger's facility to land disposal within five years from the effective date of this Order, the Discharger shall pay the entire Suspended Liability Amount associated with the Compliance Project (\$33,000). Payment shall be made to the State Water Pollution Cleanup and Abatement Account within 30 days of receipt of written notice from the Central Valley Water Board, or its delegee, that the Compliance Project has not been completed or that the Discharger has failed to convert the surface water discharges from the Discharger's facility to land disposal.

24. Satisfaction of Order: Under Water Code section 13385, subdivision (k)(1)(A), and the State Water Resources Control Board's Water Quality Enforcement Policy, a Compliance Project must be designed to correct the violations within five years. As discussed previously, this Compliance Project is a necessary component of a larger, long-term project that will ultimately correct the effluent limit violations within five years. Accordingly, the Discharger understands that the Compliance Project will be considered fully implemented only when the conversion to land discharges is complete and discharges to surface water are eliminated. Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of Compliance Project, any audits, and the

Discharger's ultimate completion of the long-term project, the Executive Officer, or its delegee, will issue a "Satisfaction of Order." The Satisfaction of Order shall terminate any further obligations of the Discharger under this Stipulated Order and permanently suspend the Suspended Liability Amount associated with the Compliance Project.

25. Party Contacts for Communications Related to Stipulated Order:

FOR THE CENTRAL VALLEY WATER BOARD:

Stacy Gotham, Senior Water Resource Control Engineer
NPDES Unit
364 Knollcrest Drive, Suite 205
Redding, CA 96002
(530) 224-4993
Stacy.Gotham@waterboards.ca.gov

FOR THE DISCHARGER:

Joe Picotte, Public Works Director
City of Alturas
200 W. North Street
Alturas, CA 96101
(530) 233-2512
jpPicotte@cityofalturas.us

26. 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.

27. 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.

- 28. Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for public review of this Stipulated Order and the Central Valley Water Board's, or its delegee's, adoption of this Stipulated Order is lawful and adequate. The Parties understand that the Central Valley Water Board, or its delegee, has the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised or a public hearing is required prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.
- 29. 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 Stipulated Order.
- 30. 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.
- 31. 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.
- 32. 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 Stipulated Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.

33. **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.
34. **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 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.
35. **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.
36. **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 Resources Control Board, and further waives the right,

if any, to appeal the same to a California Superior Court and/or any California appellate level court.

37. **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.
38. **Central Valley Water Board is 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 activities pursuant to this Stipulated 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 Stipulated Order.
39. **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 Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
40. **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.
41. **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.

42. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
43. **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.
44. **Counterpart Signatures:** This Stipulated 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.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By:	<u>Original Signed by Clint E. Snyder</u>	<u>2/2/2022</u>
	Clint E. Snyder, P.G.	Date
	Assistant Executive Officer	

City of Alturas

By:	<u>Original Signed by Joe Picotte</u>	<u>1/26/2022</u>
	Joe Picotte	Date
	Public Works Director	

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.

Patrick Pulupa, Executive Officer

Attachments (2):

Attachment A: Record of Violations

Attachment B: Compliance Project Description

**R5-2022-0500 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

**City of Alturas
City of Alturas Wastewater Treatment Plant**

RECORD OF VIOLATIONS (31 December 2017 – 31 December 2021 MANDATORY MINIMUM PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2014-0033 and R5-2020-0004))

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

Table A – Effluent Limitation Violations subject to Mandatory Minimum Penalties

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
1	12/31/2017	Aluminum, Total Recoverable	µg/L	479	1089	Annual Average	CAT 1	SIG	\$3,000	1038530
2	12/31/2018	Aluminum, Total Recoverable	µg/L	479	966	Annual Average	CAT 1	SIG	\$3,000	1055500
3	2/27/2019	Total Coliform	MPN/100 mL	23	24.8	7-Day Median	OEV	NCHRON	\$0	1057206
4	3/13/2019	Total Coliform	MPN/100 mL	23	49.5	7-Day Median	OEV	NCHRON	\$0	1058029
5	4/10/2019	Total Coliform	MPN/100 mL	23	214.3	7-Day Median	OEV	CHRON	\$3,000	1059279
6	4/17/2019	Total Coliform	MPN/100 mL	23	26.6	7-Day Median	OEV	CHRON	\$3,000	1059282
7	6/26/2019	Total Coliform	MPN/100 mL	23	35	7-Day Median	OEV	CHRON	\$3,000	1061663

**R5-2022-0500 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
8	12/31/2019	Aluminum, Total Recoverable	µg/L	479	744	Annual Average	CAT 1	SIG	\$3,000	1069734
9	3/19/2020	Total Coliform	MPN/100 mL	23	57.3	7-Day Median	OEV	NCHRON	\$0	1072690
10	5/31/2020	Copper, Total Recoverable	µg/L	6.7	8.17	Monthly Average	CAT 2	SIG	\$3,000	1075474
11	6/30/2020	Copper, Total Recoverable	µg/L	6.7	11.6	Monthly Average	CAT 2	SIG	\$3,000	1076842
12	6/30/2020	Zinc, Total Recoverable	µg/L	26	27.6	Monthly Average	CAT 2	NCHRON	\$0	1076841
13	7/31/2020	Zinc, Total Recoverable	µg/L	26	27.1	Monthly Average	CAT 2	CHRON	\$3,000	1077927
14	10/31/2020	Copper, Total Recoverable	µg/L	6.7	7.4	Monthly Average	CAT 2	CHRON	\$3,000	1083579
15	2/28/2021	Zinc, Total Recoverable	µg/L	26	28.5	Monthly Average	CAT 2	NCHRON	\$0	1087227
16	3/03/2021	Total Coliform	MPN/100 mL	23	83.2	7-Day Median	OEV	NCHRON	\$0	1088913
17	5/31/2021	Zinc, Total Recoverable	µg/L	26	26.7	Monthly Average	CAT 2	NCHRON	\$0	1090849
18	6/30/2021	Zinc, Total Recoverable	µg/L	26	26.5	Monthly Average	CAT 2	CHRON	\$3,000	1091771

**R5-2022-0500 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

PAYMENT AMOUNT VIOLATIONS SUMMARY:

<u>VIOLATIONS AS OF:</u>	<u>date of Parties' signature</u>
Serious Violations:	5
Non-Serious Violations Not Subject to MMPs:	7
<u>Non-Serious Violations Subject to MMPs:</u>	<u>6</u>
Total Violations Subject to MMPs:	11

Mandatory Minimum Penalty Amount for Effluent Limit Violation(s)

5 Serious Violations x \$3,000/Violation = \$15,000

6 Non-Serious Violations subject to MMPs x \$3,000/Violation = \$18,000

Total Mandatory Minimum Penalty = \$33,000

R5-2022-0500 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Table B - Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group 1 pollutant.
CAT 2	Violation of effluent limitation for Group 2 pollutant.
CHRON	Chronic violation as defined by Water Code section 13385(i). To be counted as a chronic violation, there must be 3 preceding violations (serious or non-serious) within a 180-day period. The fourth and any subsequent non-serious violation that occurs within the 180-day period is an MMP violation.
CIWQS	California Integrated Water Quality System (https://www.waterboards.ca.gov/water_issues/programs/ciwqs/)
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.
Violation 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.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation as defined in Water Code sections 13385(h) and 13385.1(a)(1).

**R5-2022-0500 - ATTACHMENT B
COMPLIANCE PROJECT DESCRIPTION**

Compliance Project Description

Compliance Project Title:

Alturas Wastewater Treatment Plant (Facility) Compliance Project – Site Investigation

Geographic Area of Interest:

Modoc County near City of Alturas

Name of Responsible Entity:

City of Alturas

Contact Information:

Joe Picotte, Public Works Director
City of Alturas
200 W. North Street
Alturas, CA 96101
(530) 233-2512
jpicotte@cityofalturas.us

Compliance Project Description and Goals:

The City of Alturas (City) accrued mandatory minimum penalties (MMPs) of \$33,000 for effluent limitation violations of aluminum, copper, total coliform, and zinc. The City has historically had challenges meeting effluent limits in their National Pollutant Discharge Elimination System (NPDES) permit for discharge to surface water and received a Proposition 1 Small Community Wastewater Planning Grant (Planning Grant) from the State Water Resources Control Board in 2017 to evaluate options to comply with this permit and associated enforcement orders.

As part of the Planning Grant, the City determined that the preferred alternative to comply with their NPDES permit is to eliminate the need for a NPDES permit by discontinuing discharge to surface water and building a new wastewater treatment facility that discharges to land.

The City has identified a Compliance Project that would meet the City's goal of characterizing the proposed land site to determine the appropriate design parameters for the new land discharge facility. The Compliance Project proposed by the City to

**R5-2022-0500 - ATTACHMENT B
COMPLIANCE PROJECT DESCRIPTION**

satisfy the MMPs accrued is a necessary component of the City's long-term plan and consists of completing a site characterization study at the proposed land site, which will ultimately lead to the elimination of discharges to surface water. This may include installing a groundwater monitoring well to collect and analyze existing groundwater data and other exploratory work to evaluate soil conditions. This proposed Compliance Project will assist the City in completing its long-term project with the goal of avoiding future effluent limitation violations by providing information necessary to complete final design of a future land discharge facility and discontinuing discharge to surface water.

Estimated Cost of Compliance Project Completion:

The estimated project cost is over the \$33,000 of total mandatory minimum penalties for effluent limitations violations. The City has identified funds available to cover the cost of the Compliance Project separate and apart from the Planning Grant it received for the larger, long-term project.

Compliance Project Milestones and Completion Dates:

The Compliance Project will be completed no later than one year from the effective date of the Stipulated Order approving this Compliance Project.

Final Report:

No later than one year from the effective date of the Stipulated Order, the City will submit a final report declaring the completion of the Compliance Project and detailing fund expenditures and goals achieved. The report shall clearly show whether the final cost of the completed Compliance Project is less than, equal to, or more than the suspended liability of \$33,000, and shall comply with the "Certification of Completion" provision in Section II of the Stipulated Order.