

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

In the Matter of:

**Seeley County Water District
Wastewater Treatment Plant**

ORDER R7-2025-0027 (Proposed)

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

SECTION I: INTRODUCTION

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) Prosecution Team and Seeley County Water District (Discharger) (collectively, "Parties"), and is presented to the California Regional Water Quality Control Board, Colorado River Basin (Colorado River Basin Water Board), or its delegate, for adoption as an Order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. This Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability against the Discharger in the amount of \$183,000.00.

SECTION II: RECITALS

2. The Discharger owns and operates a municipal wastewater treatment plant (Facility/WWTP) located at 1898 West Main Street in Seeley, Imperial County, California 92273. The treatment system consists of a lift station, drum screen, bar screen, a "Clemson" aerated pond treatment system with surface aerators, pre-disinfection filtration via pressure sand filters, and an ultraviolet (UV) disinfection system. The Facility's "Clemson" system consists of five aerated ponds operated in series.
3. Previously, the Discharger provided domestic sewage services to Seeley, California, which has a population of approximately 1,659 residents. The Facility has a treatment capacity of 0.25 million gallons per day (MGD) and discharges from Discharge Point 001 to the New River, a water of the United States, via an unnamed tributary. The Facility suspended waste intake at its receiving station (dump station) on August 1, 2023 to allow it time to repair its treatment system and prevent future effluent limitation violations.
4. The Discharger is alleged to have violated effluent limitations and monitoring and reporting requirements included in Waste Discharge Requirements (WDRs) Orders R7-2017-0016 and R7-2023-0003 (NPDES Permit No. CA0105023); for which the Colorado River Basin Water Board may impose civil liability pursuant to Water Code (CWC) section 13385.

5. The Discharger has a history of non-compliance with effluent limitations and monitoring and reporting requirements. The Regional Water Board has engaged in ongoing resolution efforts with the Discharger for approximately 14 years as set forth in Attachment A, which is attached hereto and incorporated herein by reference.

Relevant Waste Discharge Requirements Orders (NPDES Permit No. CA0105023)

6. The Colorado River Basin Water Board adopted WDRs Order R7-2017-0016 (NPDES Permit No. CA0105023) on November 9, 2017, to regulate discharges of treated wastewater from the Facility. This Stipulated Order includes effluent limitations, receiving water limitations, specifications, and provisions necessary to protect the beneficial uses of surface and ground waters within the Colorado River Basin Region.
7. WDRs Order R7-2017-0016 (pages 4-5, section IV.A.1. and IV.A.1.c) contains the following effluent discharge limitations with which the Discharger is required to maintain compliance at Discharge Point 001, with compliance measured at Monitoring Location EFF-001:

- a. Effluent Limitation IV.A.1.:

Effluent Limitations				
Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Cyanide, Free	µg/L	4.3	---	8.5
Cyanide, Free	lbs/day ¹	0.009	---	0.018
Suspended Solids, Total (TSS)	mg/L	45	65	---
Suspended Solids, Total (TSS)	lbs/day ¹	94	140	---

¹ The mass-based effluent limitations are based on a design capacity of 0.25 MGD

- b. Effluent Limitation IV.A.1.c. Bacteria:

(a) ***E. coli***: The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 400 per 100 milliliters.

(b) **Enterococci**. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 33 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 100 per 100 milliliters.

8. WDRs Order R7-2017-0016 (page 8, Provisions VI.B) Monitoring and Reporting Requirements (MRP) states:

“The Discharger shall comply with the MRP and future revisions thereto ...”

9. WDRs Order R7-2017-0016 (page D-1, Standard Provisions I.A.1) further provides:

“The Discharger must comply with all the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action [...]”

10. On June 27, 2023, the Colorado River Basin Water Board adopted WDRs Order R7-2023-0003 (NPDES Permit No. CA0105023) to regulate discharges of treated wastewater from the WWTP. WDRs Order R7-2023-0003 rescinded WDRs Order R7-2017-0016, except for enforcement purposes.

11. WDRs Order R7-2023-0003 (pages 5-9, section 4.A.1.a and 4.A.1.d.) contains the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001:

- a. Effluent Limitation 4.A.1.a.:

Effluent Limitations				
Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Cyanide	µg/L	4.3	---	8.5
Cyanide	lbs/day ¹	0.00897	---	0.0177
Selenium	µg/L	4.1	---	8.2
Selenium	lbs/day ¹	0.00855	---	0.0171
Total Suspended Solids (TSS)	mg/L	45	65	---
Total Suspended Solids (TSS)	lbs/day ¹	94	140	---
Biochemical Oxygen Demand (BOD5) (5-day @ 20 Deg. C	mg/L	45	65	---
Biochemical Oxygen Demand (BOD5) (5-day @ 20 Deg. C	lbs/day ¹	94	140	---

¹The mass-based effluent limitations are based on a design capacity of 0.25 MGD

b. Effluent Limitation 4.A.1.d. Bacteria:

- (a) ***E. coli***: The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 400 per 100 milliliters.
- (b) **Enterococci**. The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 33 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 100 per 100 milliliters
- (c) **Fecal Coliform**. The log mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200 per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed a MPN of 400 per 100 milliliters.

12. WDRs Order R7-2023-0003 (page 12, Provisions 6.B) Monitoring and Reporting Requirements (MRP) states:

“The Discharger shall comply with the MRP in Attachment E of this Order and any future revisions thereto ...”

13. WDRs Order R7-2023-0003 (page D-1, Standard Provisions 1.A.1) warns:

“The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act and the California Water Code and is grounds for enforcement action ...”

14. The Regional Water Board has initiated multiple enforcement actions against the Discharger referencing violations of the WDRs for the Facility. The following is a summary of those actions.

Administrative Civil Liability Order (ACLO) R7-2019-0001 (2019 Order)¹

- 15. On December 11, 2017, the Regional Water Board’s Assistant Executive Officer issued Administrative Civil Liability Complaint (ACLC) R7-2017-0040 to the Discharger, alleging violations of effluent limitations and monitoring and reporting requirements subject to mandatory minimum penalties (MMPs).
- 16. On October 29, 2018, the Parties signed a proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2019-0001, for Seeley County Water District, Imperial County (2019 Order).

¹ The 2019 Order was a separate enforcement action with its own requirements, independent of the proposed Stipulated Order. The actions listed under the 2019 Order are for informal disclosure only.

17. On January 10, 2019, at its public hearing, the Colorado River Basin Water Board delegated to the Executive Officer the authority to issue the 2019 Order.
18. On February 28, 2019, under delegated authority, the Regional Water Board's Executive Officer issued the 2019 Order. The Parties agreed that \$297,000 of the total liability would be suspended pending completion of a Compliance Project.
19. The Compliance Project faced delays due to COVID-19 and operational issues. Consequently, via a letter dated December 3, 2021, Hazen and Sawyer (Hazen), a consultant for the Discharger, petitioned the Regional Water Board for extensions to the Compliance Project milestone deadlines established by the 2019 Order.
20. In a letter dated April 3, 2023, the Regional Water Board's Assistant Executive Officer denied Hazen's request for a compliance project deadline extension. The Regional Water Board did not have the authority to extend the completion date beyond January 2024. The letter also stated that failure to meet the established deadlines would result in the requirement that the Discharger pay the full penalty amount in lieu of completing the Compliance Project as stipulated in the 2019 Order.
21. In a letter dated April 9, 2024, the State Water Resources Control Board (State Water Board) Office of Enforcement detailed the resolution of the 2019 Order. The Regional Water Board agreed to provide the Discharger with partial credit for the expenses incurred on the incomplete project. This letter confirmed that the Discharger would not continue work on the project and would pay the adjusted liability amount of \$209,574.

Conditional Settlement Offer R7-2021-0041 (Revised 2021 Offer)

22. On August 11, 2021, the Regional Water Board's Assistant Executive Officer issued Conditional Settlement Offer R7-2021-0041 (2021 Offer) to the Discharger, alleging violations of effluent limitations and monitoring and reporting requirements subject to MMPs.
23. On September 2, 2021, the Regional Water Board's Assistant Executive Officer issued Revised Conditional Settlement Offer R7-2021-0041 (Revised 2021 Offer) to the Discharger, to reflect an additional four violations were added to the 2021 Offer. This revised offer is attached hereto as Attachment B and is incorporated herein by reference.
24. On September 21, 2021, the Discharger agreed to enter settlement negotiations to propose a Compliance Project that would partially offset its MMP liability as set forth in the Revised 2021 Offer.

Conditional Settlement Offer R7-2023-0044 (2023 Offer)

25. On December 8, 2023, the Regional Water Board's Assistant Executive Officer issued Conditional Settlement Offer No. R7-2023-0044 (2023 Offer) to the Discharger, alleging violations of effluent limitations and monitoring and reporting requirements subject to MMPs. The 2023 Offer superseded the August 11, 2021 Offer, and the September 2, 2021 Revised 2021 Offer, and is attached hereto as Attachment C and is incorporated herein by reference.
26. On December 27, 2023, the Discharger agreed to enter into settlement negotiations to propose a Compliance Project (CP) as an alternative enforcement resolution; an option

available under Water Code section 13385(k) as set forth below. The proposed CP is intended to address and resolve its waste treatment system issues within the next five years.

27. The Discharger submitted its CP proposal on August 27, 2025. This proposal is attached hereto as Attachment D and is incorporated herein by reference. A list of the Discharger's current violations spanning 2018-2023 is also attached hereto as Attachment E and is incorporated herein by reference.

Legal, Regulatory and Policy Framework

28. Water Code section 13385(h)(1) requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each "serious violation."

29. Water Code section 13385(h)(2) provides, in relevant part:

"For the purpose of this section, a 'serious violation' means any waste discharge that violates the effluent limitations [...] 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 of Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

30. Water Code section 13385(i)(1), also requires the Regional Water Board to assess an MMP 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 six-month period (hereafter "chronic violation"):

- i. Violates a waste discharge requirement effluent limitation;
- ii. Fails to file a report pursuant to Section 13260;
- iii. Files an incomplete report pursuant to Section 13260; or
- iv. 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.

31. Water Code section 13385(i)(2) provides:

For the purposes of this section, a "period of six consecutive months" means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.

32. Water Code section 13385(k) provides:

(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.

33. Pursuant to the State Water Board’s Water Quality Enforcement Policy (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 10,000² or fewer people or lies completely within one or more rural counties.

34. Pursuant to the Enforcement Policy, “financial hardship” means 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. At least twenty percent of the population is below the poverty level.

35. The Regional Water Board finds the Discharger is eligible for a CP because the Facility is a POTW serving a small community of approximately 1,654 people, with a financial hardship having a median household income of approximately \$56,917, for the community, which is less than 80 percent of the California median household income³.

36. 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 Colorado River Basin 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 administrative civil liability in the amount of **one hundred eighty-three thousand dollars (\$183,000)** in MMPs against the Discharger.

37. The Regional Water Board’s Prosecution Team has determined 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.

SECTION III: STIPULATIONS

The Parties incorporate the foregoing Recitals and stipulate the following:

² Following adoption of the Enforcement Policy, Water Code section 13385, subdivision (k)(2) was amended to raise the population threshold to 20,000 or fewer people.

³ United States Census Bureau, 2024 data.

38. **Jurisdiction:** The Parties agree that the Colorado River Basin Water Board has subject-matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulated Order.
39. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability of **\$183,000** to resolve the violations as set forth in Section II and Attachment E to this Stipulated Order, which shall be suspended (Suspended Liability) pending completion of the CP as set forth herein and in Attachment D..
40. **Compliance Project Description:** The CP consists of installing a secondary Ultra-Violet (UV) unit to improve the wastewater disinfection process, including a main reactor, ballast enclosures, and a master control panel with instrumentation control automation to control both UV units. The CP will strengthen treatment reliability while ensuring continuous disinfection and compliance (Attachment D).
41. **Compliance Project Milestone Requirements:** The Discharger agrees this Stipulated Order includes the Milestone Requirements set forth below. The Discharger acknowledges that credit for completing any Milestone Requirement is dependent on the Colorado River Basin Water Board's or its delegate's adoption of this Stipulated Order. The implementation schedule for completion of the CP is as follows:

Compliance Project

Milestone	Deadline
Issue purchase order for the UV system and confirm vendor acceptance	February 1, 2026
Complete design and planning submittals	May 1, 2026
Fabricate UV system with proof of delivery at Facility	August 1, 2027
Installation of equipment	November 1, 2027
Startup and training	February 1, 2028

42. **Compliance Project Quarterly and Final Reporting:** Quarterly reports are required since the CP will not be completed within one year. Quarterly reports are due on February 1, May 1, August 1, and November 1, annually. Quarterly reports shall include a description of work completed and, if applicable, photograph documentation. The final Compliance Project report is due February 1, 2028.
43. **Compliance Project Costs:** The Discharger anticipates the CP to cost \$315,260. The amount of liability to be suspended upon completion of the CP is \$183,000, as expressly authorized by Water Code section 13385(k). No additional liability above \$183,000 shall be suspended for costs incurred to complete the CP.
44. **Compliance Project Oversight:** The Discharger will oversee implementation of the CP. The Regional Water Board will provide additional oversight. The Discharger is solely responsible

for paying all reasonable oversight costs incurred by the Regional Water Board to oversee the CP. The CP oversight costs are in addition to the administrative civil liability imposed against the Discharger and are not credited toward the Discharger's obligation to complete and implement the CP. Reasonable oversight tasks to be performed by the Regional Water Board include, but are not limited to, reviewing and evaluating progress, reviewing the final report, and verifying completion of the CP.

45. Representation and Agreements of the Discharger to Implement and Complete, Report, and Guarantee Implementation of the Compliance Project: The Discharger understands that its promise to implement the CP, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement of liability between the Discharger and the Regional Water Board. As a material consideration for the Colorado River Basin Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that, in accordance with Water Code section 13385(k)(1):

- a. The Compliance Project is designed to correct the violations within five years.
- b. The Compliance Project is in accordance with the Enforcement Policy.
 - i. The Discharger will implement and complete the CP as described herein and in Attachment D;
 - ii. The Discharger will provide certifications and written reports to the Regional Water Board contact consistent with the terms of this Stipulated Order;
 - iii. The Discharger will guarantee implementation of the CP by remaining liable for the administrative civil liability of one thousand eighty-three thousand dollars (\$183,000) until the CP is completed and accepted by the Regional Water Board in accordance with the terms of this Stipulated Order; and
 - iv. The Discharger shall permit inspection of the CP by Regional Water Board staff during normal business hours, at any location where the CP is being implemented, as well as review of any documents associated with implementation of the CP, at any time and without notice.
- c. The Discharger has prepared a financing plan to complete the CP.

46. Third Party Financial Audit of the Compliance Project: At the written request of the Regional Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Regional Water Board providing such party's(ies') professional opinion that the Discharger has expended money on the amount claimed by the Discharger. The written request shall specify the reason(s) the audit is being requested. The audit report shall be provided to the Regional Water Board within three (3) months of notice, from the Regional Water Board to the Discharger, of the need for an independent third-party audit. The audit need not address any costs incurred by Regional Water Board for oversight of the CP.

47. Failure to Expend the Entire Suspended Liability on the Approved Compliance Project: In the event the Discharger is not able to demonstrate to the reasonable satisfaction of the Regional Water Board that the entire Suspended Liability has been spent on the completed CP, the Discharger shall pay an administrative civil liability of the difference between the

Suspended Liability and the amount the Discharger can demonstrate was actually spent on the CP. The Discharger shall provide the Regional Water Board receipts, invoices, and/or other written proof of the actual expenses incurred in the performance of work on the CP. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this amount within 30 days of receipt of notice of the Regional Water Board's determination that the Discharger failed to demonstrate that the entire Suspended Liability was spent to complete the Compliance Project.

48. Failure to Complete the Compliance Project: Except as provided for in paragraph 49, if the CP as described herein and in Attachment D is determined to be infeasible, or if the Discharger fails to complete the CP by the deadline herein, the Regional Water Board shall issue an invoice to the Discharger in the amount of one hundred eighty-three thousand dollars (\$183,000), plus any CP oversight costs incurred, and minus approved costs the Discharger incurs in working to complete the CP as set forth in Paragraph 47 above. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this amount within 30 days of receipt of the invoice.

49. Extension of the Implementation Schedule Deadlines for the Compliance Project: If the Discharger cannot meet the deadlines set forth in this Stipulated Order due to circumstances beyond the Discharger's reasonable anticipation or control, the Discharger shall notify the Regional Water Board's Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstances that caused or could cause a violation of this Stipulated Order. The notice shall describe the reason for the nonperformance and specifically refer to this paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall take all reasonable measures to avoid and minimize such delays.

The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by the Executive Officer. Should the Executive Officer agree that compliance was or is impossible, despite the timely good-faith efforts of the Discharger, due to circumstances beyond the control of the Discharger, that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the Discharger, a new compliance deadline may be established, and this Stipulated Order may be revised accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.

50. Certification of Completion of the Compliance Project: On or before February 1, 2028, the Discharger shall provide a certified statement of completion of the CP (Certification of Completion). The Certification of Completion shall be submitted by a responsible official under penalty of perjury under the laws of the state of California to the Regional Water Board contact identified in Paragraph 54 below. The Certification of Completion shall include the following:

- a. Certification that the CP has been completed in accordance with the terms of this Stipulated Order. Such documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate the completion of the CP and the costs incurred by the Discharger.
- b. Certification documenting the Discharger's expenditures during the completion period for the CP. Expenditures may include, but are not limited to, payments to outside

vendors or contractors implementing the CP. The Discharger shall provide any additional information requested by the Regional Water Board that is reasonably necessary to verify CP expenditures.

- c. Certification that the Discharger followed all applicable environmental laws and regulations in the implementation of the CP, including, but not limited to, the California Environmental Quality Act (CEQA), the federal Clean Water Act, and the Porter-Cologne Act (California Water Code).

51. Completion of the Compliance Project to the Satisfaction of the Colorado River Basin Water Board: Upon the Discharger's satisfaction of its CP obligations under this Stipulated Order, and any audit requested by the Regional Water Board, the Regional Water Board shall send the Discharger a letter recognizing satisfactory completion of its obligations for the CP in accordance with this Stipulated Order. Receipt of this letter shall terminate any further CP obligations of the Discharger and result in dismissal of the Suspended Liability.

52. Compliance Project Publicity: Whenever the Discharger or its agents or subcontractors publicizes one or more elements of the CP, it shall state in a prominent manner that the CP is being undertaken as part of the settlement of an enforcement action by the Regional Water Board against the Discharger.

53. Compliance with Applicable Laws: The Discharger understands that payment of administrative civil liability 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 all applicable laws and regulations, and that continuing violations, including those of the type alleged herein, may subject the Discharger to further enforcement, including additional administrative civil liability.

54. Party Contacts for Communications related to this Stipulated Order:

Colorado River Basin Water Board:

Kai Dunn
73-720 Fred Waring Dr. Ste 100
Palm Desert, CA 92260
Kai.Dunn@waterboards.ca.gov
(760) 776-8986

Seeley County Water District:

Miriam Rosales
Administrative General Manager
P.O. Box 161
Seeley, CA 92273
mrosales@seeleywaterdistrict.ca.gov
(760) 425-0041, Ext. 0041

55. 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.

56. Matters Addressed by this Stipulated Order: Upon the Colorado River Basin Water Board's, or its delegate's adoption, this Stipulated Order represents a final and binding resolution and settlement of the violation(s) described in Section II and Attachment E to this Stipulated Order, as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on satisfactory completion of the CP described herein and in Attachment D or the full payment of the administrative civil liability.

57. Public Notice: The Discharger understands this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Colorado River Basin

Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Colorado River Basin Water Board, or its delegate, for adoption, the Regional Water Board Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Colorado River Basin Water Board or its delegate. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

58. **Addressing Objections Raised During Public Comment Period:** The Parties agree the procedure contemplated for the Colorado River Basin Water Board's or its delegate's adoption of this Stipulated Order, and public review thereof is lawful and adequate. The Parties understand the Colorado River Basin Water Board, or its delegate, has the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised, 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.
59. **No Waiver of Right to Enforce:** The failure of the Regional 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. Further, the 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 by this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Regional Water Board reserves all rights to take additional enforcement actions, including, without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Stipulated Order.
60. **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 Regional Water Board or any state agency, department, board, or any local agency from exercising its authority under any law, statute, or regulation.
61. **Interpretation:** This Stipulated Order shall be construed as though the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
62. **Modification:** The Parties shall not modify this Stipulated Order by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Colorado River Basin Water Board or its delegate.
63. **If the Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because the Colorado River Basin Water Board or its delegate does not approve it, or the State Water Board or a court vacates it in whole or in part, the Parties acknowledge they expect to proceed to a contested evidentiary hearing before the Colorado River Basin Water Board to determine whether to assess administrative civil liabilities for the underlying violation(s), unless the Parties agree otherwise. The Parties agree all oral and written statements and agreements made during settlement discussions shall not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to the following:
- a. Objections related to prejudice or bias of any of the Colorado River Basin Water Board members or their advisors and any other objections premised in whole or in part on

the fact that the Colorado River Basin Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a result of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violation alleged herein in this matter; or

- b. Laches, delay, or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

64. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323(b) provides and hereby waives its right to an evidentiary hearing before the Colorado River Basin Water Board prior to adoption of this Stipulated Order.
65. **Waiver of Right to Petition or Appeal:** The Discharger hereby waives its right to petition the Colorado River Basin Water Board's adoption of this Stipulated Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
66. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any state agency or the State of California, its officers, board members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by this Stipulated Order.
67. **Water Boards Not Liable:** Neither the Colorado River Basin Water Board members, nor the Regional 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 board members, directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Colorado River Basin 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 board members, directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
68. **Necessity for Written Approvals:** All approvals and decisions of the Colorado River Basin Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments from the Colorado River Basin Water Board members or counsel, or Regional Water Board employees, officials, or counsel regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval this Stipulated Order requires.
69. **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.
70. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations 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.
71. **Severability:** This Stipulated Order is severable and in the event any provision is found invalid, the remainder shall remain in full force and effect.

72. Counterpart Signatures; Facsimile and Electronic Signature: This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered, shall be deemed an original; however, such counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

73. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Colorado River Basin Water Board, or its delegate, enters the Order incorporating the terms of this Stipulated Order.

IT IS SO STIPULATED.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN

Original signed by

11/26/2025

Cassandra D. Owens
Assistant Executive Officer

Date

SEELEY COUNTY WATER DISTRICT

Original signed by

12/18/2025

Leslie Hill
Board President

Date

ORDER OF THE REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN

1. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
2. In adopting this Order, the Colorado River Basin Water Board has assessed an administrative civil liability in accordance with the Enforcement Policy and Water Code sections 13385 and 13385.1.
3. This is an action to enforce the laws and regulations administered by the Colorado River Basin Water Board. The Colorado River Basin Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) in accordance with section 15321(a)(2), Title, of the California Code of Regulations.
4. The Executive Officer of the Regional 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 the Order.

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the Colorado River Basin Water Board.

I, Michael Placencia, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Stipulated Order adopted by the California Regional Water Quality Control Board, Colorado River Basin.

Michael Placencia
Executive Officer

Attachment A: Discharger Enforcement History

Attachment B: Revised Conditional Settlement Offer R7-2021-0041

Attachment C: Conditional Settlement Offer R7-2023-0044

Attachment D: Compliance Project Proposal

Attachment E: Mandatory Penalty Administrative Civil Liability