

North Coast Regional Water Quality Control Board

**EXPEDITED PAYMENT LETTER**  
**NOTICE OF VIOLATION**  
**ACCEPTANCE OF CONDITIONAL RESOLUTION**  
**AND WAIVER OF RIGHT TO HEARING**  
**Order No. R1-2017-0053**

City of Willits Wastewater Treatment Facility  
ORDER NO. R1-2010-0017 AND  
R1-2015-0029  
NPDES NO. CA0023060  
WDID NO. 1B80078OMEN

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Board, the City of Willits Wastewater Treatment Facility (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board with jurisdiction over the facility to dispute the allegations of violations described in the Compilation of Violations which is attached hereto as "Attachment A" and incorporated herein by reference.

The Permittee agrees that Attachment A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as indicated on Attachment A under "Expedited Payment Amount" (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, the full payment required by the deadline indicated in the invoice to follow is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount of **\$3,000.00** by check payable to the SWRCB Cleanup and Abatement Account referencing "R1-2017-0053."

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in Attachment A.

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Diana Henriouille, Senior Water Resource Control Engineer  
California Regional Water Quality Control Board, North Coast Region  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.


If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water Board to resolve the violations set forth in Attachment A may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, the full payment required by the deadline indicated in the invoice to follow is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount in full. The payment shall be submitted to the Regional Water Board no later than the date indicated on an invoice which will accompany the Acceptance and Waiver after execution by the Executive Officer.

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

City of Willits Wastewater Treatment Facility  
(Name of Permittee)

By:   
(Signed Name)

12-1-17  
(Date)

SCOTT HERMAN  
(Printed or typed name)

UTILITIES SUPERINTENDENT  
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: \_\_\_\_\_

**Matthias St. John**  
**Executive Officer**

2017 Willits EPL Acceptance

## Attachment A - Compilation of Violations

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY

Willits City

Willits City WWTP

WDID No. 1B80078OMEN NPDES No. CA0023060

**Effluent Limitation Violations Requiring Mandatory Minimum Penalties**

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
1	964479	1/22/2014	Nitrate	Group 1	MonthlyAverage	10	12	mL/L	N	a	20%	7/26/2013	Chronic	Ct. 1	N		\$0
2	985587	12/17/2014	TSS	Group 1	Weekly Average	15	20	mg/L	N	a	33%	1/20/2014	Chronic	Ct. 1	N		\$0
3	985588	12/30/2014	TSS	Group 1	Weekly Average	15	16	mg/L	N	a	6%	7/3/2014	Chronic	Ct. 2	N		\$0
4	987405	1/1/2015	Nitrogen	Group 1	MonthlyAverage	10	11.5	mg/L	N	a	14%	7/5/2014	Chronic	Ct. 3	N		\$0
5	1001414	11/18/2015	Coliform	Other	Maximum Daily	230	540	MPN/100 ml	N	a	N/A	5/22/2015	Chronic	Ct. 1	N		\$0
6	1002687	12/2/2015	Coliform	Other	Weekly Average	230	540	MPN/100 ml	N	a	N/A	6/5/2015	Chronic	Ct. 2	N		\$0
7	1018568	12/31/2015	Coliform	Other	MonthlyAverage	23	33	MPN/100 ml	N	a	N/A	7/4/2015	Chronic	Ct. 3	N		\$0
8	1030130	11/22/2016	pH	Other	Weekly Average	6.5	6.39	SU	N	a	N/A	05/26/2016	Chronic	Ct. 1	N		\$0
9	1030131	11/30/2016	pH	Other	Weekly Average	6.5	6.37	SU	N	a	N/A	06/03/2016	Chronic	Ct. 2	N		\$0
10	1030128	12/21/2016	pH	Other	Weekly Average	6.5	6.33	SU	N	a	N/A	06/24/2016	Chronic	Ct. 3	N		\$0
11	1030127	01/04/2017	pH	Other	Weekly Average	6.5	6.39	SU	N	a	N/A	07/08/2016	Chronic	>Ct. 3	Y	13385(i)	\$3,000
<b>Total Penalty (Expedited Payment Amount):</b>																\$3,000	

Legend of Table  
a The first three violations in a six month period shall not receive MMP assesment unless serious.  
Ct. Count - The number that follows represents the number of exceedances in the past 180 days. A count >Ct. 3 means that a penalty under Water Code section 13385 (i) applies.

- 1 - Violation occurs on sample date or last date of averaging period.
- 2 - For Group I pollutants, a violation is serious when the limit is exceeded by more than 40%
  - For Group II pollutants, a violation is serious when the limit is exceeded by more than 20%
- 3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty

**Violation period May 1, 2006 through July 31, 2017**

Group I Violations Assessed MMP: 0

Group II Violations Assessed MMP: 0

Other Effluent Violations Assessed MMP: 1

Violations Exempt from MMP: 0

Total Violations Assessed MMP: 1

**Mandatory Minimum Penalty = (0 Serious Violations + 1 Non-Serious Violations) x \$3,000 = \$3,000**