



North Coast Regional Water Quality Control Board

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING Order No. R1-2022-0041

GRATON COMMUNITY SERVICES DISTRICT
NPDES ORDER NO. R1-2018-0001
NPDES NO. CA0023639
WDID No. 1B84060OSON

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the North Coast Regional Water Quality Control Board (Regional Water Board), Graton Community Services District (Discharger) hereby accepts the Regional Water Board's "Offer to Participate in Expedited Payment Program" and waives its right to a hearing before the Board to dispute the alleged violations set forth in the attached Exhibit "A", which is incorporated herein by reference.

The Discharger agrees that the Exhibit "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 (AEO). The Discharger agrees to pay the penalties authorized by Water Code section 13385, as indicated in the attached Exhibit "A" under "Total Penalty." This shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations set forth in the Exhibit "A".

The Discharger understands that once this 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 material condition of this Acceptance and Waiver. The Discharger shall pay the Expedited Payment Amount of **\$3,000.00** by check payable to the State Water Resources Control Board (SWRCB) Cleanup and Abatement Account, referencing "Order No. R1-2022-0041".

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

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

R1-2022-0041
Expedited Payment Program - Acceptance and Waiver
Graton Community Services District

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

Jordan Filak, Environmental Scientist
Jordan.Filak@waterboards.ca.gov, or
North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

The Discharger 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, will be published as required by law, for public comment.

If no comments are received within the 30-day notice period that cause the Executive Officer to reconsider the Acceptance and Waiver, the Executive Officer will execute the Acceptance and Waiver and it will become a final order.

The Discharger understands that if significant comments are received in opposition, the offer to resolve the violations set forth in the Exhibit "A" may be withdrawn. In that circumstance, the Discharger 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. If such hearing takes place, the Discharger understands this Acceptance and Waiver (as executed by the Discharger) will be treated as a settlement communication and will not be used as evidence at that hearing.

The Discharger understands that once the Acceptance and Waiver is executed by the Executive Officer, it must submit the full payment to the Regional Water Board no later than the date indicated in the transmittal letter (which will accompany the Acceptance and Waiver after execution by the Executive Officer). The payment period is thirty (30) days.

R1-2022-0041
Expedited Payment Program - Acceptance and Waiver
Graton Community Services District

IT IS HEREBY ORDERED pursuant to Water Code section 13385, on behalf of the California Regional Water Quality Control Board, North Coast Region.

By: _____
Matthias St. John
Executive Officer

Graton CSD Acceptance and Waiver – Order No. R1-2022-0041

Attachment:

Exhibit “A” – Effluent Limitations Violations Requiring Mandatory Minimum Penalties

Mandatory Penalty Administrative Civil Liability

Graton CSD

WDID No. 1B84060OSON

NPDES No. CA0023639

EXHIBIT "A"

Effluent Limitations 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	1043825	04/10/2018	Cyanide, Total (as CN)	Group 2	Monthly Average	4	5.5	ug/L	N		38%	10/12/2017	S	Ct. 1	Y	13385hi)	\$ 3,000

Total Penalty: \$ 3,000

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 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

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 Between April 30, 2010, and December 31, 2021

Group I Violations Assessed MMP: 0
 Group II Violations Assessed MMP: 1
 Other Effluent Violations Assessed MMP: 0
 Violations Exempt from MMP: 0
 Total Violations Assessed MMP: 1

Mandatory Minimum Penalty = (1 Serious Violations) x \$3,000 = \$3,000