

**18/19 FEBRUARY 2021 BOARD MEETING  
CONTESTED AGENDA ITEM**

Note: This document has been prepared by the Central Valley Water Board's Prosecution Team

**AGENDA ITEM: 8**

**SUBJECT:**

California Department of Corrections and Rehabilitation, Mule Creek State Prison, Amador County

**BOARD ACTION:**

Consideration of Settlement Agreement and Stipulation Order

**BACKGROUND:**

On 10 July 2020, both the Discharger and the prosecution team of the Central Valley Water Board agreed to the findings, terms, and conditions within Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R5-2020-XXXX (Tentative Order) to address the unpermitted discharge of 1,119,746 gallons of contaminated stormwater discharged to surface water over 79 days between 18 January 2018 and 10 April 2019. Between these dates the Discharger did not have a permit to discharge commingled stormwater and wastewater to surface water. The discharges of water containing waste constituents into Mule Creek alleged in this Stipulated agreement occurred within that time frame. To resolve the administrative civil liability complaints and the outstanding violations specified in this Agreement, the California Department of Corrections and Rehabilitation and Regional Board staff determined that it was in the interests of administrative efficiency and the citizens of California to enter into a settlement agreement that would address penalties related to these alleged violations. Accordingly, the California Department of Corrections and Rehabilitation and the prosecution team have agreed to the imposition of \$2,500,000 in administrative civil liability, including \$894,189 toward two Enhanced Compliance Actions ("ECA") and \$1,605,811 to the State Water Pollution Cleanup and Abatement Account.

**ISSUES:**

The proposed settlement agreement provides for two ECA projects. The first is to replace the leaking underground landscape irrigation system within the secure area of Mule Creek State Prison that appears to contribute to non-stormwater discharges from their stormwater conveyance

system. The second is to finalize a research study to better identify sources of coliforms both in the prison's stormwater discharge and within Mule Creek itself. Pursuant to the Enforcement Policy the tentative Order was issued for a 30-day public comment period on 20 July 2020 with comments due on 19 August 2020. Public comments were received from the United States Environmental Protection Agency (USEPA), Amador County, the Amador County District Attorney, the California Sportfishing Protection Alliance (CSPA), and Mr. David Anderson.

Details of the comments and responses are included in the Staff Response to Comments document included in the agenda package. The Prosecution Team believes the settlement is appropriate, for the limited timeframe between 18 January 2018 and 10 April 2019, given the facts of the case and is in the best interest of the people of the State of California. Finally, to address long term compliance, multiple Regional Board programs are working with the Discharger with additional surface water monitoring with their MS4 permit, as well as a revision of their Waste Discharge Requirements to better protect the waters within Mule Creek.

**ACLO RECOMMENDATION:**

Adopt the proposed Order.

**REVIEWS:**

Management Review:	KRH 02/02/2021
Legal Review:	

**BOARD MEETING LOCATION:**

Central Valley Regional Water Quality Control Board meeting  
 11020 Sun Center Dr. #200  
 Rancho Cordova, CA 95670

Internet Zoom Meeting