

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2009-0067  
IN THE MATTER OF  
CITY OF CALEXICO, OWNER/OPERATOR  
MUNICIPAL WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM  
Calexico — Imperial County

This Order to assess Administrative Civil Liability (ACL) pursuant to California Water Code (CWC) Section 13385 is issued to City of Calexico (hereinafter Discharger) based on a finding of violations of Waste Discharge Requirements (WDRs) Order Nos. R7-2004-0009 and R7-2008-0028, National Pollutant Discharge Elimination System (NPDES) Permit No. CA7000009.

The Colorado River Basin Regional Water Quality Control Board (hereinafter Regional Board) finds the following:

1. The Discharger owns and operates a municipal wastewater treatment facility and collection system. The collection system provides conveyance of raw wastewater to the treatment facility through both separate and combined sewer lines.
2. The preliminary treatment systems consist of a mechanical bar screen, manual bypass bar screen, and aerated grit chamber. The primary treatment system consists of two primary clarifiers operated in parallel. Preliminary and primary treated wastewater is stabilized in either the activated sludge treatment system consisting of three aeration basins operated in parallel or the aerated lagoon treatment system consisting of four lagoons operated in series. Effluent wastewater from the activated sludge plant is passed through three secondary clarifiers operated in parallel before being combined with effluent wastewater from the aerated lagoon treatment system. The combined stabilized flows from the activated sludge plant and aerated lagoon plant are disinfected by an ultraviolet (UV) disinfection system before being discharged to the New River.
3. On February 11, 2004, the Regional Board adopted WDRs Order No. R7-2004-0009 (NPDES Permit No. CA7000009), for the City of Calexico, to regulate discharges of treated wastewater from Outfall 001 to the New River. Treated wastewater from this facility is discharged from Outfall 001 to the New River, and ultimately to the Salton Sea. The New River and Salton Sea are waters of the United States.
4. On June 25, 2008, the Regional Board adopted Special Board Order No. R7-2008-0028, which amended Board Order No. R7-2004-0009. Special Board Order No. R7-2008-0028 specifies effluent limitations, prohibitions and specifications necessary to protect the beneficial uses of the surface and ground waters within the Colorado River Basin Region.
5. On August 27, 2008, the Assistant Executive Officer issued ACLC No. R7-2008-0058 against the Discharger for chronic violations of the bacterial density and copper concentration limits. The ACLC proposed a MMP of \$18,000 for the violations. ACLC No. R7-2008-0058 was subsequently rescinded by the Assistant Executive Officer in a letter dated April 7, 2009.

6. On May 13, 2009, the Assistant Executive Officer issued ACLC No. R7-2009-0048, which replaced the previously issued ACLC No. R7-2008-0058. In ACLC No. R7-2009-0048, the Assistant Executive Officer of the Regional Board proposed that the Discharger be assessed an Administrative Civil Liability in the amount of twenty-four thousand and one hundred and forty dollars (\$24,140). The amount of the liability proposed is based upon a review of the factors cited in CWC Section 13385(e) and the State Water Resources Control Board's Water Quality Enforcement Policy. The Assistant Executive Officer also indicated that he would consider offsetting a portion of this ACL amount by the monetary value of a SEP proposed by the Discharger in an amount not to exceed \$12,070.
7. CWC Section 13385(a) states, in part, that:

"Any person who violates any of the following shall be liable civilly in accordance with this section:

(2) Any waste discharge requirements issued pursuant to this chapter..."
8. CWC Section 13385(c) states:

"Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

"(1) Ten thousand dollars (\$10,000) for each day in which the violation occurs."

"(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
9. CWC Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each serious violation.
10. CWC Section 13385(h)(2) states, in part, the following: "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 to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."
11. CWC Section 13385(l) states in pertinent part:

"(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project (SEP) in accordance with the enforcement policy of the state board.

“(2) For the purposes of this section, a ‘supplemental environmental project’ means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.”

12. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section IX of the Policy, among other requirements, SEPs proposed by the Discharger must “enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and that, at the time they are included in an ACL action, are not otherwise required of the discharger.” (Enforcement Policy pp 42-43).
13. Effluent Limitations WDRs Board Order No. R7-2004-0009 contains the following:

Effluent Limitation A.6:

“Effluent discharged to the New River shall not contain constituents in excess of the following limits:”

| Constituents     | Unit | Date Effluent Limit Becomes Effective | Average Monthly Effluent Limit <sup>1</sup> | Maximum Daily Effluent Limit <sup>1</sup> |
|------------------|------|---------------------------------------|---------------------------------------------|-------------------------------------------|
| Copper (interim) | µg/L | January 25, 2004                      | 7.90                                        | 7.90                                      |
| Copper (final)   | µg/L | January 14, 2009                      | 2.39                                        | 4.80                                      |

14. Special Board Order R7-2008-0028 adopted June 25, 2008 added additional effluent limitations for bacteria and are as follow:

“The bacterial density in the wastewater effluent discharged to the New River shall not exceed the following values, as measured by the following bacterial indicators:

- a. *E. Coli*. The 30-day geometric mean bacterial density shall not exceed a Most Probable Number (MPN) of 126 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 400 MPN per 100 milliliters.
- b. Enterococci. The 30-day geometric mean bacterial density shall not exceed a Most Probable Number (MPN) of 33 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 100 MPN per 100 milliliters.

<sup>1</sup> Compliance with the Average Monthly Effluent Limit and Maximum Daily Effluent Limit shall be determined as described in Section 2.4.5 Compliance Determination (Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California).

- c. Fecal Coliform. The 30-day geometric mean bacterial density shall not exceed a Most Probable Number (MPN) of 200 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.”

15. Provision No. 5 of Board Order No. R7-2004-0009 states:

“The Discharger shall comply with the Monitoring and Reporting Program No. R7-2004-0009, and future revisions thereto, as specified by the Regional Board’s Executive Officer.”

16. Finding No. 1 of Monitoring and Reporting Program No. R7-2004-0009 states, in part:

“Unless otherwise approved by the Regional Board’s Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of “Guidelines Establishing Test Procedures for Analysis of Pollutants”, promulgated by the United States Environmental Protection Agency.”

17. Effluent Monitoring in the Monitoring and Reporting Program of Board Orders No. R7-2004-0009 and R7-2008-0028 shows, in part, the bacterial monitoring frequency as follows:

| Constituents                      | Unit       | Type of Sample | Sampling Frequency | Reporting Frequency |
|-----------------------------------|------------|----------------|--------------------|---------------------|
| Enterococci                       | MPN/100 mL | Grab           | 2/Week             | Monthly             |
| <i>Escherichia coli</i> (E. coli) | MPN/100 mL | Grab           | 2/Week             | Monthly             |

18. Beginning June 25, 2008 to August 21, 2008, the Discharger failed to conduct sampling twice a week for Enterococci as required by the Monitoring and Reporting Program and Special Board Order No. R7-2008-0028, Ordered Paragraph 12.
19. Evaluation of the monthly monitoring reports for the months of July – November 2008 submitted by the Discharger pursuant to Sections 13267 and 13383 of the CWC showed that the monitoring data for *E. coli* and Enterococci were prepared by a laboratory that was not certified by the Department of Health Services (known now as “California Department of Public Health”) for the analysis of the bacteria constituents. Therefore, the Discharger is in violation of Provision No. 5 of Board Order No. R7-2008-0028 and Finding No. 1 of the Monitoring and Reporting Program. Attachment “A”, a part of this Order No. R7-2004-0009 by reference shows the monitoring data in question.
20. Because the Discharger submitted effluent monitoring data for bacteria prepared by an uncertified laboratory, the Discharger is in violation of Provision No. 5 of Board Order No. R7-2004-0009 and Finding No. 1 of Monitoring and Reporting Program No. R7-2004-0009, cited above in Findings Nos. 15 and 16.

21. Additionally, because the Discharger submitted effluent monitoring data for bacteria from an uncertified laboratory, the Regional Water Board is unable to determine whether the Discharger is in compliance with the effluent limitations and discharge specifications of Board Order No. R7-2008-0028, cited above in Finding No. 14. Furthermore, the Discharger also threatens violation of Effluent Limitations and Discharge Specifications of Board Order R7-2008-0028.
22. Analytical results for copper (Cu) and other pollutants of concern are reliable for regulatory purposes because the laboratory possessed the requisite California Department of Public Health certification for those fields of testing.
23. Section 13308 of the CWC states:

"If the regional board determines there is a threatened or continuing violation of any cleanup and abatement order, cease and desist order, or any order issued under Section 13267 or 13383, the regional board may issue an order establishing a time schedule and prescribing a civil penalty which shall become due if compliance is not achieved in accordance with that time schedule."
24. On February 18, 2009, the Assistant Executive Officer issued Time Schedule Order (TSO) No. R7-2009-0036, requiring the Discharger to correct the monitoring violations of Board Order No. R7-2008-0028 in accordance with a series of tasks and time schedule. The TSO was issued following the discovery in Findings No. 18 through 20, above.
25. More specifically, TSO No. R7-2009-0028 requires the Discharger to comply with the following:
  - a. By March 13, 2009, the Discharger shall submit a technical report\* specifying the steps it will take to ensure that bacteria data is collected and analyzed as specified in Board Order No. R7-2008-0028.
  - b. The Discharger must be in full compliance with WDRs Board Order No. R7-2008-0028, Monitoring and Reporting Programs by July 1, 2009.
26. As shown in Attachment "B", the Discharger violated WDRs of Board Order No. R7-2004-0009. Attachment "B" shows all effluent violations that are subject to MMPs.
27. The Regional Board must assess mandatory minimum penalties pursuant to CWC Section 13385(h) for all copper (Cu) effluent limitation violations. The total mandatory minimum penalty for the copper violations is six thousand dollars (\$6,000).
28. As stated in Finding No. 21 above, the data indicating effluent limitation violations for the bacteria parameters cannot be used to assess MMPs because it is unclear whether the data is reliable for regulatory purposes. While the Discharger may not be subject to MMPs for alleged violations of the bacteria limitations, the Discharger is still liable for the violations of the MRP, cited above in Findings No. 18 - 20, pursuant to CWC Section 13385(c). The maximum liability available to the Regional Board for the bacteria MRP

---

\* On March 13, 2009, the Regional Board received the Discharger's technical report.

violations under Section 13385(c) is \$740,000 (\$10,000 per day for seventy-four violations starting from July 1, 2008 until May 8, 2009).

29. The factors in Finding No. 28, above, are evaluated for the violations as follows:

- a. Nature, circumstance, extent, and gravity of the violations: See Attachment "A".
- b. Susceptibility of discharge to cleanup and abatement, and degree of toxicity discharge:

The discharge is not susceptible to cleanup and/or abatement.

- c. Discharger's ability to pay:

There is no indication that the Discharger would be financially incapable of paying the assessed liability. The Discharger now has the opportunity to provide additional financial data to the Regional Board regarding its ability to pay the proposed liability.

- d. Effect on Discharger's ability to continue in business:

The proposed fine should not affect the Discharger's ability to continue operating as a public agency since the fine largely pertains to costs that the Discharger would have normally incurred if compliance with the WDRs had been properly observed.

- e. Voluntary cleanup efforts undertaken:

There was no cleanup and abatement the discharge when violations occurred.

- f. Prior history of violations:

The Discharger failed to comply with Board Order No. R7-2004-0009, Monitoring and Reporting Program, requiring use of a certified laboratory.

- g. Degree of culpability:

As the permittee, the Discharger is the responsible for complying with all aspects of Board Order Nos. R7-2004-0009 and R7-2008-0028. The provisions of Board Order No. R7-2004-0009 and its corresponding Monitoring and Reporting Program are clear and unambiguous regarding the requirement that all analyses be conducted at a laboratory certified for such analyses by the California Department of Public Health. It is the Discharger's responsibility to utilize certified laboratory contracts that can provide reliable results, which are representative of the discharge. The Discharger failed to do so for the period from July to November 2008, as evidence by the monitoring results it submitted. However, the Discharger was the first discharger of many in Imperial County that utilized uncertified laboratories to disclose the problem to the Regional Water Board. This resulted in addressing the issue early and seeking to come to a regional solution.

- h. Savings resulting from the violations:  
The Discharger has realized an economic benefit by failing to monitor for Enterococci for the months of July and August 2008 (Total savings of approximately \$640 based on \$40 per sample analyzed for 16 samples in two month).
  - i. Other matters that justice may require:  
Staff time to investigate this matter and prepare the ACL compliant and supporting information is estimated to be 60 hours. Based on an average cost to the State of \$125 per hour, the total cost is \$7,500.
30. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). By letter dated June 11, 2009, the Discharger waived its right to a hearing on this matter (see Attachment "C").
31. In a letter dated August 18, 2009, the Discharger proposed the implementation of a SEP, as described below:
- "Implementation of an education, awareness and advocacy campaign in collaboration with the Calexico New River Committee (CNRC) to provide the necessary tools for planning that may lead to finding a solution to removing the hazardous threat of having an open sewer line."
32. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5, is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), in accordance with Section 15321(a)(2) ("Enforcement Actions by Regulatory Agencies"), Title 14, California Code of Regulations.
33. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC Section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must receive the petition no later than 5:00 p.m., thirty (30) days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:  
[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed \$24,140 in ACL violations. In lieu of paying an ACL in the amount of \$24,140, the Discharger shall pay a reduced penalty amount of twelve thousand seventy dollars (\$12,070) in accordance with CWC Section 13385(l) and shall implement the proposed SEP as described in Attachment "C" in accordance with the following:

1. The Discharger shall comply with the State Water Board Enforcement Policy relating to implementation of a SEP.

2. This SEP shall be implemented in accordance with the time schedule stipulated in Attachment "D", appended to and made a part of this Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for this phase of the SEP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its WDRs, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond five (5) years from the date of this Order.
3. The suspended portion of the proposed ACL penalty of \$24,140 that is hereby directed to be expended on this SEP may not exceed \$12,070. The Discharger shall pay within thirty (30) days of the date of this Order the remaining portion of \$12,070. Payment by check of this amount shall be made payable to the "State Water Pollution Cleanup and Abatement Account" and mailed to the address shown in paragraph 7 below.
4. If the Discharger completes this SEP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "D" for this SEP shall be permanently suspended. Similarly, if the Discharger fails to complete this SEP to the satisfaction of the Executive Officer by the approved date, and the Executive Officer has not approved an extension in the completion date, the corresponding portion of the ACL shall become due and payable by the Discharger within 30 days of being so informed in writing by the Executive Officer.
5. Previously suspended amounts do not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.
6. Completion of this SEP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.
7. The Discharger shall submit all unsuspended ACL amounts, made payable to the "State Water Pollution Cleanup and Abatement Account", to the following address:

California Regional Water Quality Control Board  
Colorado River Basin Region  
Attn.: Hilda Vasquez  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 17, 2009.

---

ROBERT PERDUE, Executive Officer



**ATTACHMENT "A"**

Summary of Violations of Board Orders No. R7-2004-0009  
and No. R7-2008-0028 for City of Calexico WWTP

|    | <b>Violation Type</b> | <b>Violation Date</b> | <b>Violation Description</b> |
|----|-----------------------|-----------------------|------------------------------|
| 1  | <i>E. coli</i>        | 07/01/2008            | Used uncertified laboratory  |
| 2  | <i>E. coli</i>        | 07/01/2008            | Used uncertified laboratory  |
| 3  | <i>E. coli</i>        | 07/07/2008            | Used uncertified laboratory  |
| 4  | <i>E. coli</i>        | 07/07/2008            | Used uncertified laboratory  |
| 5  | <i>E. coli</i>        | 07/08/2008            | Used uncertified laboratory  |
| 6  | <i>E. coli</i>        | 07/08/2008            | Used uncertified laboratory  |
| 7  | <i>E. coli</i>        | 07/14/2008            | Used uncertified laboratory  |
| 8  | <i>E. coli</i>        | 07/14/2008            | Used uncertified laboratory  |
| 9  | <i>E. coli</i>        | 07/16/2008            | Used uncertified laboratory  |
| 10 | <i>E. coli</i>        | 07/16/2008            | Used uncertified laboratory  |
| 11 | <i>E. coli</i>        | 07/21/2008            | Used uncertified laboratory  |
| 12 | <i>E. coli</i>        | 07/21/2008            | Used uncertified laboratory  |
| 13 | <i>E. coli</i>        | 07/22/2008            | Used uncertified laboratory  |
| 14 | <i>E. coli</i>        | 07/22/2008            | Used uncertified laboratory  |
| 15 | <i>E. coli</i>        | 07/28/2008            | Used uncertified laboratory  |
| 16 | <i>E. coli</i>        | 07/28/2008            | Used uncertified laboratory  |
| 17 | <i>E. Coli</i>        | 07/29/2008            | Used uncertified laboratory  |
| 18 | <i>E. coli</i>        | 07/29/2008            | Used uncertified laboratory  |
| 19 | <i>E. Coli</i>        | 08/04/2008            | Used uncertified laboratory  |
| 20 | <i>E. coli</i>        | 08/04/2008            | Used uncertified laboratory  |
| 21 | <i>E. coli</i>        | 08/05/2008            | Used uncertified laboratory  |
| 22 | <i>E. coli</i>        | 08/05/2008            | Used uncertified laboratory  |
| 23 | <i>E. Coli</i>        | 08/11/2008            | Used uncertified laboratory  |
| 24 | <i>E. coli</i>        | 08/11/2008            | Used uncertified laboratory  |
| 25 | <i>E. coli</i>        | 08/12/2008            | Used uncertified laboratory  |
| 26 | <i>E. coli</i>        | 08/12/2008            | Used uncertified laboratory  |
| 27 | <i>E. Coli</i>        | 08/18/2008            | Used uncertified laboratory  |
| 28 | <i>E. coli</i>        | 08/18/2008            | Used uncertified laboratory  |
| 29 | <i>E. coli</i>        | 08/19/2008            | Used uncertified laboratory  |
| 30 | <i>E. coli</i>        | 08/19/2008            | Used uncertified laboratory  |
| 31 | Enterococci           | 08/21/2008            | Used uncertified laboratory  |
| 32 | Enterococci           | 08/22/2008            | Used uncertified laboratory  |
| 33 | <i>E. coli</i>        | 08/25/2008            | Used uncertified laboratory  |
| 34 | Enterococci           | 08/25/2008            | Used uncertified laboratory  |
| 35 | <i>E. coli</i>        | 08/26/2008            | Used uncertified laboratory  |
| 36 | Enterococci           | 08/26/2008            | Used uncertified laboratory  |
| 37 | <i>E. coli</i>        | 09/02/2008            | Used uncertified laboratory  |
| 38 | Enterococci           | 09/03/2008            | Used uncertified laboratory  |
| 39 | <i>E. coli</i>        | 09/09/2008            | Used uncertified laboratory  |
| 40 | Enterococci           | 09/10/2008            | Used uncertified laboratory  |
| 41 | <i>E. coli</i>        | 09/15/2008            | Used uncertified laboratory  |
| 42 | Enterococci           | 09/16/2008            | Used uncertified laboratory  |
| 43 | <i>E. coli</i>        | 09/23/2008            | Used uncertified laboratory  |
| 44 | Enterococci           | 09/24/2008            | Used uncertified laboratory  |
| 45 | <i>E. coli</i>        | 09/29/2008            | Used uncertified laboratory  |
| 46 | Enterococci           | 09/30/2008            | Used uncertified laboratory  |
| 47 | <i>E. coli</i>        | 10/06/2008            | Used uncertified laboratory  |
| 48 | Enterococci           | 10/07/2008            | Used uncertified laboratory  |

|    | <b>Violation Type</b> | <b>Violation Date</b> | <b>Violation Description</b> |
|----|-----------------------|-----------------------|------------------------------|
| 49 | <i>E. coli</i>        | 10/14/2008            | Used uncertified laboratory  |
| 50 | Enterococci           | 10/15/2008            | Used uncertified laboratory  |
| 51 | <i>E. coli</i>        | 10/20/2008            | Used uncertified laboratory  |
| 52 | Enterococci           | 10/21/2008            | Used uncertified laboratory  |
| 53 | <i>E. coli</i>        | 10/27/2008            | Used uncertified laboratory  |
| 54 | Enterococci           | 10/28/2008            | Used uncertified laboratory  |
| 55 | <i>E. coli</i>        | 11/03/2008            | Used uncertified laboratory  |
| 56 | Enterococci           | 11/03/2008            | Used uncertified laboratory  |
| 57 | <i>E. coli</i>        | 11/04/2008            | Used uncertified laboratory  |
| 58 | Enterococci           | 11/04/2008            | Used uncertified laboratory  |
| 59 | <i>E. coli</i>        | 11/05/2008            | Used uncertified laboratory  |
| 60 | Enterococci           | 11/06/2008            | Used uncertified laboratory  |
| 61 | <i>E. coli</i>        | 11/10/2008            | Used uncertified laboratory  |
| 62 | Enterococci           | 11/10/2008            | Used uncertified laboratory  |
| 63 | <i>E. coli</i>        | 11/12/2009            | Used uncertified laboratory  |
| 64 | Enterococci           | 11/12/2009            | Used uncertified laboratory  |
| 65 | <i>E. coli</i>        | 11/13/2009            | Used uncertified laboratory  |
| 66 | Enterococci           | 11/14/2009            | Used uncertified laboratory  |
| 67 | <i>E. coli</i>        | 11/18/2008            | Used uncertified laboratory  |
| 68 | Enterococci           | 11/18/2008            | Used uncertified laboratory  |
| 69 | <i>E. coli</i>        | 11/19/2008            | Used uncertified laboratory  |
| 70 | Enterococci           | 11/19/2008            | Used uncertified laboratory  |
| 71 | <i>E. coli</i>        | 11/24/2008            | Used uncertified laboratory  |
| 72 | Enterococci           | 11/24/2008            | Used uncertified laboratory  |
| 73 | <i>E. coli</i>        | 11/26/2008            | Used uncertified laboratory  |
| 74 | Enterococci           | 11/26/2008            | Used uncertified laboratory  |

Total: \$740,000

**ATTACHMENT "B"**

Summary of Violations of Board Orders No. R7-2004-0009 and No. R7-2008-0028 Mandatory  
Minimum Penalties for City of Calexico WWTP

| Assessed Violation <sup>1</sup><br>No. | Date<br>Occurred | Description of Violation                                                                      | Serious<br>Violation<br>Defined by<br>CWC<br>13385(h) | Amount<br>Assessed<br>Dollars (\$) |
|----------------------------------------|------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------|
| 766351                                 | 11/13/07         | Exceeded Daily Maximum Effluent Limit of<br>7.9 µg/L for Copper<br>Reported value = 10 µg/L   | Yes                                                   | 3,000                              |
| 766352                                 | 11/30/07         | Exceeded Average Monthly Effluent Limit of<br>7.9 µg/L for Copper<br>Reported value = 10 µg/L | Yes                                                   | 3,000                              |
| Total:                                 |                  |                                                                                               |                                                       | \$6,000                            |

<sup>1</sup> Data Source: California Integrated Water Quality System (CIWQS)

ATTACHMENT "C"



# CITY OF CALEXICO

Mailing : 608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2167  
Fax: 760.768-3412  
www.calexico.ca.gov  
e-mail: wastewater@calexico.ca.gov

## Water Pollution Control Plant

June 11, 2009

Doug Wylie  
Regional Water Board  
Enforcement Coordinator

RE: ADMINISTRATIVE CIVIC LIABILITY, COMPLAINT NO. R7-2009-0048

The City of Calexico acknowledges the Civil Liability of \$24, 140.00 detailed in the subject complaint. The City of Calexico further proposes to participate in a SEP (Supplemental Environmental Project) with the collaboration of the Calexico New River Committee (CNRC). Your assistance in this matter is greatly appreciated.

Thank you,

Arturo Estrada  
Chief Operator-Operations



# CITY OF CALEXICO

Mailing : 608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2167  
Fax: 760.768-3412  
[www.calexico.ca.gov](http://www.calexico.ca.gov)  
e-mail: [wastewater@calexico.ca.gov](mailto:wastewater@calexico.ca.gov)

## Water Pollution Control Plant

August 18, 2009

Doug Wylie  
Regional Water Board Enforcement Coordinator

**RE: SEP OUTLINE FOR ACLC NO. R7-2009-0048 ISSUED TO CITY OF CALEXICO  
MUNICIPAL WASTEWATER TREATMENT PLANT FOR VIOLATIONS OF  
EFFLUENT DISCHARGE LIMITATIONS**

The City of Calexico acknowledges the ACL of \$24,140 detailed in the subject complaint. The City of Calexico will pay \$12,070 to the "State Water Pollution Cleanup and Abatement Account. The City of Calexico further proposes to participate in SEP (Supplemental Environmental Project), with the collaboration of the Calexico New River Committee (CNRC) for the remainder of the fine totaling \$12,070.

The CNRC was established in 1999 by a group of concerned citizens with the vision to eliminate the negative health and environmental impacts of the New River, obtaining a private non-profit corporation status in 2001. The CNRC has one paid staff member, with an eleven member volunteer unpaid board membership who is active participants in the CNRC's key activities. The CNRC's core operations revolve around the implementation of an education, awareness and advocacy campaign to provide the necessary tools for planning that may lead to finding a solution to removing the hazardous threat of having an open sewer line.

Imperial County is a rural, desert community located along the U.S./Mexico border, approximately 100 miles east of San Diego. The demographics of the county reflect the needs of an underserved community of 172,672 of which 75% are Hispanic, 17% White, 4% African American, 2% Asian/Pacific Islander and 2% Native American.

The Imperial Valley's economy is based on agriculture; however, the agricultural industry has been in decline and the overall economy of the valley has been hurt since the passing of NAFTA. According to the 2004 Census, 46% of the population is in the low-income status; the poverty rate is 18.5%. The Imperial County has one of the highest unemployment rates in the country, over 26%; dropout rates are high at about 20%; and over a third of the residents in the county lack health insurance.

*Viva Calexico!*

Site address: 250 W. Second Street, Calexico, CA 92231  
(760) 768-2167



# CITY OF CALEXICO

Mailing : 608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2167  
Fax: 760.768-3412  
[www.calexico.ca.gov](http://www.calexico.ca.gov)  
e-mail: [wastewater@calexico.ca.gov](mailto:wastewater@calexico.ca.gov)

## Water Pollution Control Plant

August 18, 2009  
Page 2

The CNRC has continued to build upon a foundation that will lead to the solution of an obstacle in the daily life of Imperial Valley residents, the New River. This is only possible by conducting community awareness activities with the contribution of residents, county and state agencies that help solidify this effort under one voice.

The City proposes to pay \$12,070 within one fiscal year program, commencing in FY 09-10.

Enclosed for your review is the project out line and budget for one fiscal year.

Thank you for your consideration for this proposal. If you have any questions or require additional information, please do not hesitate to contact the undersigned at (760)768-2167.

Sincerely,

**CITY OF CALEXICO**

Arturo Estrada  
Chief Operator-Operations

CC: Luis Estrada, Director of Utility Services  
CNRC

*Viva Calexico!*

Site address: 298 W. Second Street, Calexico, CA 92231  
(760) 768-2167





# CITY OF CALEXICO

Mailing : 608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2167  
Fax: 760.768-3412  
www.calexico.ca.gov  
e-mail wastewater@calexico.ca.gov

## Water Pollution Control Plant

August 18, 2009

### Calexico New River Committee New River Project 2009-2010

#### Project Objective

- **Deliver a comprehensive education and awareness campaign, in English and Spanish.** CNRC will target local and regional residents each month through presentations and community meetings; provide all accommodations for meetings, e.g. food, refreshments, etc. The campaign will also disseminate information through media channels, the CNRC monthly newsletter and CNRC website.
  - **Develop/produce/source educational material (year 1).** CNRC will develop, produce and/or source printed, electronic and other promotional media, as aid in the education campaign.
  - **Actively pursue publicity on the urgency of the health issue and maintain the matter in public view (year 1).** CNRC will implement awareness campaign through all appropriate media channels, locally, statewide, and nationally.
  - **Maintain www.calexiconewriver.org website (year 1).** CNRC will bring awareness to the organization and its mission through the internet by continuously enhancing its' content and image.

#### Evaluation

The process evaluation will consist of achieving the following:

- **Deliver a comprehensive education and awareness campaign, in English and Spanish (year 1).**
  - CNRC will target local and regional residents through at least two seminars, presentations and/or community meetings each month. (year 1).
  - CNRC will develop, produce and/or source printed, electronic and other promotional media, as aid in the education campaign (years 1).
  - CNRC will develop and maintain www.calexiconewriver.org website to bring awareness to the organization and its mission through the internet (year 1).

*Viva Calexico!*

Site address: 298 W. Second Street, Calexico, CA 92231  
(760) 768-2167



# CITY OF CALEXICO

Mailing : 608 Heber Ave.  
Calexico, CA 92231-2840  
Tel: 760.768.2167  
Fax: 760.768-3412  
www.calexico.ca.gov  
e-mail:wastewater@calexico.ca.gov

## Water Pollution Control Plant

August 18, 2009

### Calexico New River Committee New River Project

#### Budget 2009-2010

| PERSONNEL COSTS                                     | Year 1          | Total Program<br>Cost |
|-----------------------------------------------------|-----------------|-----------------------|
| <b>Program staff:</b>                               |                 |                       |
| Executive Director (1.0 FTE)                        | \$3,000         | \$3,000               |
| Benefits @ 32%                                      | <u>\$960</u>    | <u>\$960</u>          |
| <b>TOTAL PERSONNEL (A)</b>                          | <b>\$3,960</b>  | <b>\$3,960</b>        |
| <br><b>DIRECT PROGRAM<br/>OPERATING COSTS</b>       |                 |                       |
| Educational Materials                               | \$2,000         | \$2,000               |
| Office Supplies                                     | \$3,555         | \$3,555               |
| Meeting Expenses                                    | \$1,555         | \$1,555               |
| Printing                                            | <u>\$1,000</u>  | <u>\$1,000</u>        |
| <b>Total Direct Program Operating<br/>Costs (B)</b> | <b>\$8,110</b>  | <b>\$8,110</b>        |
| <br><b>GRAND TOTAL</b>                              | <b>\$12,070</b> | <b>\$12,070</b>       |

*Viva Calexico!*

Site address: 296 W. Second Street, Calexico, CA 92231  
(760) 768-2167



**ATTACHMENT "D"**

**STIPULATED TIME SCHEDULE  
FOR THE IMPLEMENTATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS**

| Phase No. | Description of SEP                                                                                                                                   | Completion Date    | Due Date                                       | Portion of ACL Penalty that May be Suspended |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------|----------------------------------------------|
| 1         | Implementation of an education, awareness, and advocacy campaign to provide the necessary tools to remove the hazardous threat of an open sewer line | September 17, 2010 | Final report due on or before October 31, 2010 | \$12,070                                     |