

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

In the Matter of:

ORDER R5-2020-0544

**GRIZZLY LAKE COMMUNITY
SERVICES DISTRICT
DELLEKER WASTEWATER
TREATMENT PLANT
PLUMAS COUNTY**

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

I. Introduction

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the Grizzly Lake Community Services District (Discharger) (collectively, Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60.

II. Recitals

2. The Discharger owns and operates the Delleker Wastewater Treatment Plant (Facility), which provides sewerage service to approximately 650 residents of Plumas County. The Facility discharges treated domestic wastewater to the Middle Fork of the Feather River, a water of the United States.
3. On 8 June 2012, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2012-0046 (NPDES No. CA0081744) to regulate the Facility, which requires, among other things, compliance with effluent limitations at Discharge Point No. 001.
4. From 29 February 2016 to 30 April 2019, the Discharger violated effluent limitations at Discharge Point No. 001. Additionally, from 2 March 2017 to 2 May 2017, the Discharger violated monitoring and reporting requirements specified in WDRs Order R5-2012-0046. The violations are specifically identified in Attachment A, attached hereto and incorporated by reference, and are subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i).

5. Water Code section 13385, subdivisions (h) and (i) require the assessment of MMPs as follows:

Water Code section 13385, subdivision (h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385, subdivision (h)(2) states:

For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements 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.

Water Code section 13385, subdivision (i)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) 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.

6. Water Code section 13385.1, subdivision (a)(1) states, in part, the following:

For the purposes of subdivision (h) of Section 13385, a “serious violation” also means a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

7. According to the Discharger’s self-monitoring reports (SMRs), the Discharger committed four (4) serious violations and twenty nine (29) non-serious violations of effluent limitations contained in WDRs Order R5-2012-0046. As identified in Table A of Attachment A, twenty (20) of the non-serious violations are subject to MMPs under Water Code section 13385, subdivision (i)(1) because the violations were preceded by three or more effluent limitation violations within a 180-day period. **The MMP amount for the alleged effluent limitation violations is seventy two thousand dollars (\$72,000).**
8. The Discharger failed to file monthly SMRs that meet the definition of a “discharge monitoring report required pursuant to Section 13383” by the deadline specified in WDRs Order R5-2012-0046. Each complete period of 30 days following the deadline for the report is a serious violation. As identified in Table B of Attachment A, multiple serious violations apply to each SMR that was submitted after the deadline specified in WDRs Order R5-2012-0046. **The MMP amount for the alleged monitoring and reporting violations is ninety thousand dollars (\$90,000).**
9. Water Code section 13385, subdivision (k) states:

(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.

10. Under the State Water Resources Control Board’s Water Quality Enforcement Policy, “financial hardship” means that 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) Twenty percent of the population is below the poverty level.

11. The Central Valley Water Board finds that the Discharger is eligible for a Compliance Project because the Facility is a POTW serving a small community with a financial hardship. The Discharger serves a community with a population of 650, lies completely within a rural county, and has a median household income (MHI) of \$28,150, which is less than 80% of the statewide MHI, according to the 2013-2017 American Community Survey 5-Year Estimates.

12. The Discharger submitted Compliance Project proposals to eliminate future effluent limitation violations and monitoring and reporting violations. Additional information and requirements regarding the Compliance Projects are contained in Attachments B and C, attached hereto and incorporated by reference.

13. 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 Central Valley 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 set forth in Attachment A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability (ACL) in the amount of **one hundred and sixty two thousand dollars (\$162,000)** in MMPs against the Discharger.

14. The Central Valley Water Board Prosecution Team believes 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.

III. Stipulations

The Parties stipulate to the following:

15. **Jurisdiction:** The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.
16. **Administrative Civil Liability:**
- A) The Discharger agrees to the imposition of an ACL in the amount of **one hundred and sixty two thousand dollars (\$162,000)** to resolve the violations alleged in Attachment A. The ACL will be spent in accordance with the Compliance Projects described herein and in Attachment B and Attachment C.
 - B) The Parties agree that the entire **one hundred and sixty two thousand dollar (\$162,000)** ACL will be permanently suspended pending completion of the Compliance Projects described herein and Attachment B and Attachment C. **The suspended liability amount associated with Compliance Project 1 and Compliance Project 2 is \$72,000 and \$90,000, respectively.**
17. **Description of Compliance Projects:** The Discharger has proposed two separate Compliance Projects. Compliance Project 1 is designed to correct the effluent limitation violations within 5 years because it will modify storage and

operational procedures at the Facility to more effectively treat and monitor for total coliform no later than 1 year after the effective date of this Stipulated Order. Compliance Project 2 is designed to correct the SMR violations within 5 years because it will add additional permanent staff to allow current staff adequate time to complete monitoring and reporting requirements. The complete descriptions for Compliance Project 1 and Compliance Project 2 are contained in Attachment B and Attachment C, incorporated herein by reference.

18. **Inspection Authority:** The Discharger agrees that Central Valley Water Board staff have permission to inspect the Compliance Projects, including any documents associated with implementation of the Compliance Projects, at any time without notice.
19. **Compliance Projects Budget:** The amount that the Discharger will expend on the Compliance Projects is in excess of the MMPs that the Central Valley Water Board is required to assess under Water Code section 13385, subdivisions (h) and (i) for the violations listed in Attachment A. The Discharger has prepared a financing plan to complete the Compliance Projects.
20. **Compliance Projects Schedule and Reporting Requirements:** The Compliance Projects are designed to correct the violations within five years as shown in Attachment B and Attachment C. The Discharger shall submit the following reports to the Central Valley Water Board contact identified in Paragraph 25 below:
 - A) **Progress Reports:** The Discharger shall provide quarterly reports describing the progress of Compliance Project 2 implementation, as required in Attachment C, because the project will take longer than one year to complete. The first quarterly report is due 90 days after the effective date of this Stipulated Order. Subsequent quarterly reports are due every 90 days until Compliance Project 2 is completed.
 - B) **Certification of Completion:** No later than the Compliance Projects completion dates identified in Attachment B and Attachment C, a responsible official of the Discharger shall submit a final report and certified statement, signed under penalty of perjury, which documents that the Discharger completed the Compliance Projects in accordance with the terms of this Stipulated Order, and documents the Discharger's expenditures to implement the Compliance Projects. Documentation may

include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Central Valley Water Board to evaluate completion of the Compliance Projects and the costs incurred. The Discharger shall provide Central Valley Water Board staff with any additional information that is reasonably necessary to verify the Discharger's expenditures and certification of completion.

21. **Third Party Financial Audit of Compliance Projects:** If the Central Valley Water Board obtains information indicating that the Discharger has not expended money on the Compliance Projects in the amount claimed, or has not adequately completed the Compliance Projects, the Central Valley Water Board may require the Discharger to submit, at its sole costs, a written report prepared by an independent third party(ies) acceptable to the Central Valley Water Board, providing such party's(ies's) professional opinion that the Discharger has or has not expended money in the amounts claimed. The audit report shall be provided to the Central Valley Water Board within three (3) months of notice from the Central Valley Water Board to the Discharger of the need for an independent third-party audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.
22. **Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an ACL 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 applicable laws, and that additional violations of the type alleged herein may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements that may be imposed hereafter by changes in applicable and legally binding legislation or regulations.
23. **Failure to Complete Compliance Projects:** If the Compliance Projects are not fully implemented by their respective completion dates, a "Notice of Violation" will be issued. As a consequence, the Discharger shall be liable to pay the entire suspended liability amount associated with Compliance Project 1 (\$72,000) and/or Compliance Project 2 (\$90,000), less any amount that has been permanently suspended or excused based on the timely and successful completion of any project component for Compliance Project 1 (i.e., purchase of a skid steer loader for use at the Facility) and any wages paid to additional employees for Compliance Project 2. Unless the Central Valley Water Board or

its delegee determines otherwise, the Discharger shall not be entitled to any credit, offset, or reimbursement from the Central Valley Water Board for expenditures made on the Compliance Projects prior to the Notice of Violation's issuance date. The amount of the suspended liability owed shall be determined via a written, stipulated agreement between the Parties or, if the Parties cannot reach an agreement on the amount owed, via a "Motion for Payment of Suspended Liability" before the Central Valley Water Board or its delegee. Within 30 days of the Central Valley Water Board's or its delegee's determination of the suspended liability assessed, the Discharger shall pay the amount owed to the State Water Pollution Cleanup and Abatement Account.

24. Acceptance of Completed Compliance Projects: Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of Compliance Projects, and any audits, the Executive Officer, or its delegee, will issue a "Satisfaction of Order." The Satisfaction of Order shall terminate any further obligations of the Discharger under this Stipulated Order and permanently suspend the suspended liability amount associated with the Compliance Projects.

25. Party Contacts for Communications Related to Stipulated Order:

FOR THE CENTRAL VALLEY WATER BOARD:

Mike Nilsen, Water Resource Control Engineer
NPDES Unit
364 Knollcrest Drive, Suite 205
Redding, CA 96002
(530) 224-4853
Michael.Nilsen@waterboards.ca.gov

FOR THE DISCHARGER:

Pat Guillory, General Manager
Grizzly Lake Community Services District
119 Delleker Drive
Portola, CA 96122
(530) 832-5225
patglcsd@gmail.com

26. **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.
27. **Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
28. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for public review of this Stipulated Order and the Central Valley Water Board's, or its delegee's, adoption of this Stipulated Order is lawful and adequate. The Parties understand that the Central Valley Water Board, or its delegee, has the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised or a public hearing is required prior to the Stipulated Order becoming effective, 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.
29. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Central Valley 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. The failure of the Prosecution Team or Central Valley Water Board to enforce any such 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 under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of ACL complaints or orders for violations other than those addressed by this Stipulated Order.

30. **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 Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
31. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
32. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Stipulated Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.
33. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.
34. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess an ACL for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:
- A) Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties settlement positions, and therefore may

have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or

- B) Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.
35. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board.
36. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Resources Control Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
37. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, the Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or cause of action, which arise out of or are related to this action.
38. **Central Valley Water Board is Not Liable:** Neither the Central Valley Water Board members, nor the Central Valley 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 directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Central Valley 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 directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
39. **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.

40. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
41. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation 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.
42. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
43. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.
44. **Counterpart Signatures:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: **Original Signed By**
Clint E. Snyder, P.G.
Assistant Executive Officer

7/29/2020
Date

Grizzly Lake Community Services District

By: **Original Signed By**
Pat Guillory
General Manager

7/13/2020
Date

HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley 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 this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.

Patrick Pulupa, Executive Officer

October 27, 2020

Date

Attachments (3):

Attachment A: Record of Violations

Attachment B: Compliance Project 1 Description

Attachment C: Compliance Project 2 Description

**R5-2020-0544 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

**Grizzly Lake Community Services District
Delleker Wastewater Treatment Plant**

RECORD OF VIOLATIONS (29 February 2016 – 30 April 2019) MANDATORY MINIMUM PENALTIES
(Data reported under Monitoring and Reporting Program R5-2012-0046)

The following table lists the alleged violations, including those subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i).

Table A – Effluent Limitation Violations subject to Mandatory Minimum Penalties

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
1	2/29/2016	Total Suspended Solids	mg/L	45	45.75	Average Monthly	CAT 1	NCHRON	\$0	1044745
2	3/25/2016	Total Coliform	MPN/100 mL	23	27	7-Day Median	OEV	NCHRON	\$0	1040349
3	3/31/2016	Total Coliform	MPN/100 mL	23	59	7-Day Median	OEV	NCHRON	\$0	1040350
4	3/31/2016	Total Suspended Solids	% Removal	65	31	Average Monthly	CAT 1	SIG	\$3,000	1013721
5	4/8/2016	Total Coliform	MPN/100mL	23	26	7-Day Median	OEV	CHRON	\$3,000	1014452
6	4/12/2016	Total Coliform	MPN/100 mL	23	28	7-Day Median	OEV	CHRON	\$3,000	1023830
7	5/16/2016	Total Coliform	MPN/100 mL	23	350	7-Day Median	OEV	CHRON	\$3,000	1044929
8	5/23/2016	Total Coliform	MPN/100 mL	23	140	7-Day Median	OEV	CHRON	\$3,000	1044931
9	3/26/2018	Total Coliform	MPN/100 mL	23	80	7-Day Median	OEV	NCHRON	\$0	1044911

**R5-2020-0544 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
10	4/2/2018	Total Coliform	MPN/100 mL	23	>1600	7-Day Median	OEV	NCHRON	\$0	1049901
11	4/2/2018	Total Coliform	MPN/100 mL	500	>1600	Instantaneous Maximum	OEV	NCHRON	\$0	1061355
12	4/12/2018	Total Coliform	MPN/100 mL	23	540	7-Day Median	OEV	CHRON	\$3,000	1049903
13	4/12/2018	Total Coliform	MPN/100 mL	240	540	30-day period	OEV	CHRON	\$3,000	1049906
14	4/12/2018	Total Coliform	MPN/100 mL	500	540	Instantaneous Maximum	OEV	CHRON	\$3,000	1061356
15	4/30/2018	Total Coliform	MPN/100 mL	23	240	7-Day Median	OEV	CHRON	\$3,000	1049904
16	3/5/2019	Total Coliform	MPN/100 mL	23	>1600	7-Day Median	OEV	NCHRON	\$0	1059669
17	3/5/2019	Total Coliform	MPN/100 mL	500	>1600	Instantaneous Maximum	OEV	NCHRON	\$0	1061357
18	3/15/2019	Total Coliform	MPN/100 mL	23	920	7-Day Median	OEV	NCHRON	\$0	1059671
19	3/15/2019	Total Coliform	MPN/100 mL	240	920	30-day period	OEV	CHRON	\$3,000	1059672
20	3/15/2019	Total Coliform	MPN/100 mL	500	920	Instantaneous Maximum	OEV	CHRON	\$3,000	1061358
21	3/20/2019	Total Coliform	MPN/100 mL	23	580	7-Day Median	OEV	CHRON	\$3,000	1059673
22	3/26/2019	Total Coliform	MPN/100 mL	23	180	7-Day Median	OEV	CHRON	\$3,000	1059674

**R5-2020-0544 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
23	3/26/2019	Total Suspended Solids	mg/L	90	180	Maximum Daily	CAT 1	SIG	\$3,000	1059668
24	3/26/2019	Total Suspended Solids	mg/L	65	180	Average Weekly	CAT 1	SIG	\$3,000	1059667
25	3/31/2019	Total Suspended Solids	mg/L	45	66	Average Monthly	CAT 1	SIG	\$3,000	1059666
26	4/2/2019	Total Coliform	MPN/100 mL	23	350	7-Day Median	OEV	CHRON	\$3,000	1061139
27	4/9/2019	Total Coliform	MPN/100 mL	23	350	7-Day Median	OEV	CHRON	\$3,000	1061140
28	4/9/2019	Total Coliform	MPN/100 mL	240	350	30-day period	OEV	CHRON	\$3,000	1061141
29	4/16/2019	Total Coliform	MPN/100 mL	23	>1600	7-Day Median	OEV	CHRON	\$3,000	1061142
30	4/16/2019	Total Coliform	MPN/100 mL	500	>1600	Instantaneous Maximum	OEV	CHRON	\$3,000	1061359
31	4/26/2019	Total Coliform	MPN/100 mL	23	>1600	7-Day Median	OEV	CHRON	\$3,000	1061143
32	4/26/2019	Total Coliform	MPN/100 mL	500	>1600	Instantaneous Maximum	OEV	CHRON	\$3,000	1061360
33	4/30/2019	Total Coliform	MPN/100 mL	23	820	7-Day Median	OEV	CHRON	\$3,000	1061144
34	4/7/2020	Total Coliform	MPN/100 mL	23	>1600	7-Day Median	OEV	NCHRON	\$0	1075312
35	4/14/2020	Total Coliform	MPN/100 mL	23	350	7-Day Median	OEV	NCHRON	\$0	1075310

**R5-2020-0544 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
36	4/21/2020	Total Coliform	MPN/100 mL	23	33	7-Day Median	OEV	CHRON	N/A*	1075311
37	4/21/2020	Total Coliform	MPN/100 mL	240	350	30-day period	OEV	CHRON	N/A*	1075309
38	4/21/2020	Total Suspended Solids	mg/L	65	69	Average Weekly	CAT1	NCHRON	\$0	1075317

* Does not exceed interim effluent limits included in Time Schedule Order R5-2020-0900, therefore do not result in MMPs

Table B – Monitoring and Reporting Violations subject to Mandatory Minimum Penalties

Item	Violation Date	Monitoring Report	Due Date	Date Received	Days Past Due	Number of 30-Day Periods	Violation Type	MMP Type	Number of MMPs per Violation	MMP Amount	CIWQS
1	3/02/2017	January 2017	3/01/2017	2/12/18	349	11	LREP	SIG	11	\$33,000	1024481
2	4/02/2017	February 2017	4/01/2017	2/12/18	318	10	LREP	SIG	10	\$30,000	1024482
3	5/02/2017	March 2017	5/01/2017	2/12/18	288	9	LREP	SIG	9	\$27,000	1024483

PAYMENT AMOUNT VIOLATIONS SUMMARY:

<u>VIOLATIONS AS OF:</u>	<u>date of Parties' signature</u>
Serious Violations:	30
Group I Serious Violations:	4
Group II Serious Violations:	0
Non-Serious Violations Not Subject to MMPs:	9
<u>Non-Serious Violations Subject to MMPs:</u>	<u>20</u>

R5-2020-0544 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Total Violations Subject to MMPs: 54

Mandatory Minimum Penalty Amount for Effluent Limit Violation(s)

30 Serious Violations x \$3,000/Violation = \$90,000

4 Serious Group I Violations x \$3,000/Violation = \$12,000

20 Non-Serious Violations subject to MMPs x \$3,000/Violation = \$60,000

Total Mandatory Minimum Penalty = \$162,000

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Table C - Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CHRON	Chronic violation as defined by Water Code section 13385(i). To be counted as a chronic violation, there must be 3 preceding violations (serious or non-serious) within a 180-day period. The fourth and any subsequent non-serious violation that occurs within the 180-day period is an MMP violation.
CIWQS	California Integrated Water Quality System (https://www.waterboards.ca.gov/water_issues/programs/ciwqs/)
LREP	Late reporting violation. Pursuant to Water Code section 13385.1, every 30 days a report is late counts as one serious violation subject to MMPs.
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.
Violation Date	Date that a violation occurred. For averaging period limitation violations, such as weekly and monthly averages, the last day of the reporting period is used such as last day of the week (Saturday) and last day of the month, respectively.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation as defined in Water Code sections 13385(h) and 13385.1(a)(1).

**R5-2020-0544 - ATTACHMENT B
COMPLIANCE PROJECT 1 DESCRIPTION**

Compliance Project 1 Description

Compliance Project Title:

Delleker Wastewater Treatment Plant (Facility) Compliance Project – Facility upgrades

Geographic Area of Interest:

Delleker WWTP, Plumas County

Name of Responsible Entity:

Grizzly Lake Community Services District (GLCSD)

Contact Information:

Pat Guillory, General Manager
Grizzly Lake Community Services District
119 Delleker Drive
Portola, CA 96122
(530) 832-5225
patglcsd@gmail.com

Compliance Project Description and Goals:

GLCSD accrued mandatory minimum penalties (MMPs) of \$72,000 for effluent limitation violations. The majority of the MMPs are due to violations of total coliform effluent limitations, with some attributed to violations of the total suspended solids (TSS) effluent limitations.

GLCSD is subject to effluent limitations when discharging from the Facility to the Middle Fork of the Feather. However, GLCSD relies on evaporation and percolation in the treatment ponds at the Facility and only discharges to the Middle Fork of the Feather River when the influent to the Facility surpasses the rate of percolation and evaporation. This typically corresponds to winter weather when increased precipitation leads to increased influent at the Facility. Additionally, due to the location of the Facility in the mountains, there is often inclement weather resulting in snow that disrupts operation of the Facility and makes travel to and around the Facility challenging.

GLCSD has identified a Compliance Project to avoid future effluent limitation violations for total coliform and eliminate the risk of future noncompliance. The goal is to modify storage and operational procedures at the Facility to more effectively treat and monitor total coliform through better chlorine dosing at the Facility.

The proposed Compliance Project includes the following components:

- Purchase of a skid steer loader for use at the Facility
- Purchase of large storage containers for use at the Facility

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COMPLIANCE PROJECT 1 DESCRIPTION

- Purchase and installation of a new continuous analyzer at chlorine contact chamber
- Evaluate SCADA upgrade for monitoring disinfection process
- Pilot study to investigate lowering pH for more effective disinfection

The proposed project addresses the goals of GLCSD. Prior to the proposed Compliance Project, transportation of chemicals was difficult and unsafe in inclement weather and delivery of chemicals to the Facility did not meet changing demands since much of the dosing requirements were directly affected by changing weather conditions. By purchasing a new loader and storage container, GLCSD has a more effective way to transport and store chemicals required in the disinfection process. A new continuous analyzer will allow GLCSD to relocate the current chlorine analyzer in the disinfection process, providing feedback to operators on the appropriate amount of chlorine dosing to use. Additional SCADA upgrades and pilot studies will provide information that can also more effectively treat and monitor for total coliform at the Facility.

In addition to the goals stated above to eliminate effluent limitation violations for total coliform, GLCSD is currently working on a separate project with the goal to avoid future effluent limitation violations for TSS. GLCSD is using planning grant funds as part of a larger project to assess the conditions of the sanitary sewer collection system and address Inflow and Infiltration (I&I) that adds influent at the Facility. GLCSD contends that violations for TSS will be eliminated in part by controlling I&I into the collection system as part of the larger project evaluated in the planning grant. Grant funds will not be used towards the total cost of this Compliance Project.

Estimated Cost of Compliance Project Completion:

The estimated project cost is over the \$72,000 of total mandatory minimum penalties for effluent limitations violations.

Compliance Project Milestones and Completion Dates:

The project will be completed no later than one year from the effective date of the Stipulated Order approving this Compliance Project (Stipulated Order).

Final Report:

No later than one year of from the effective date of the Stipulated Order, GLCSD will submit a final report declaring the completion of the Compliance Project and detailing fund expenditures and goals achieved. The report shall clearly show whether the final cost of the completed Compliance Project is less than, equal to, or more than the suspended liability of \$72,000, and shall comply with the "Certification of Completion" provision in Section II of the Stipulated Order.

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COMPLIANCE PROJECT 2 DESCRIPTION**

Compliance Project 2 Description

Compliance Project Title:

Delleker Wastewater Treatment Plant (WWTP) Compliance Project - Staffing

Geographic Area of Interest:

Delleker WWTP, Plumas County

Name of Responsible Entity:

Grizzly Lake Community Services District (GLCSD)

Contact Information:

Pat Guillory, General Manager
Grizzly Lake Community Services District
119 Delleker Drive
Portola, CA 96122
(530) 832-5225
patglcsd@gmail.com

Compliance Project Description and Goals:

GLCSD accrued mandatory minimum penalties (MMPs) of \$90,000 for late reporting violations. GLCSD contends that the current staff has inadequate time to complete Self-Monitoring Reports (SMRs) by the deadlines specified in Waste Discharge Requirements (WDRs) Order R5-2012-0046.

GLCSD agrees to hire additional employee(s) to help with daily tasks at the WWTP and sanitary sewer collection system within GLCSD's service area. The additional employee(s) will allow current GLCSD staff, including the Data Submitter and Legally Responsible Official specified in the California Integrated Water Quality System (CIWQS), to have adequate time to collect samples and submit accurate SMRs according to the requirements in the WDRs, including the certification requirement under Standard Provision Attachment D.V.B.5 of WDRs Order R5-2012-0046, which states, in part, "*...the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*"

By submitting accurate and complete SMRs by the deadlines specified in current and future WDRs, GLCSD will avoid future monitoring and reporting violations and eliminate the risk of future noncompliance.

Estimated Cost of Compliance Project Completion:

GLCSD agrees to retain additional employee(s) to ensure that GLCSD has adequate staffing to collect samples and submit timely, accurate, and complete SMRs as required

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COMPLIANCE PROJECT 2 DESCRIPTION

by the applicable WDRs. At a pay rate of \$15/hour, GLCSD expects to spend more than the \$90,000 MMP in less than 3 years. GLCSD expects to retain the additional employee(s) past 3 years and costs for the Compliance Project could be expended up to 5 years after the initial hire date.

Compliance Project Milestones and Completion Dates:

The project will be completed no later than five years from the effective date of the Stipulated Order approving this Compliance Project (Stipulated Order).

Reporting Requirements:

Quarterly Reports:

Since the estimated completion date is longer than 1 year after the effective date of the Stipulated Order, GLCSD is required to provide quarterly reports to the Central Valley Water Board. As required in Section II of the Stipulated Order, GLCSD shall submit quarterly progress reports every 90 days after the effective date of the Stipulated Order until the Compliance Project is completed. Each quarterly report shall include the following information:

- Costs expended for wages paid to the newly hired employee(s) during the specified quarter.
- Job duties and work completed by newly hired employee(s).
- Verification that SMRs related to the WDRs were submitted by the due date. Each quarterly report shall include a list showing the submittal date and due date of each SMR required during the specified quarter. If SMRs were not submitted by the due date, provide an explanation of why they are late and a plan for submitting.

Final Report:

No later than five years from the effective date of the Stipulated Order, GLCSD will submit a report declaring the completion of the Compliance Project and detailing fund expenditures and goals achieved. The report shall clearly show whether the final cost of the completed Compliance Project is less than, equal to, or more than the suspended liability of \$90,000, and shall comply with the "Certification of Completion" provision in Section II of the Stipulated Order.