

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

**In the Matter of:**

ORDER R5-2019-0509

**City of Grass Valley  
City of Grass Valley  
Wastewater Treatment Plant  
Nevada 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 or 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 or Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the City of Grass Valley (Discharger)(collectively known as the 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 City of Grass Valley (Discharger) owns and operates the City of Grass Valley Wastewater Treatment Plant (Facility), a wastewater collection, treatment, and disposal system that provides sewerage service to the City of Grass Valley. Treated municipal wastewater is discharged to Wolf Creek, a water of the United States.
3. On 6 June 2003, the Central Valley Water Board issued Waste Discharge Requirements (WDRs), Order R5-2003-0089, effective 1 August 2003, which contained new requirements and rescinded WDRs Order 98-060, except for enforcement purposes.
4. On 6 June 2003, the Board also issued Cease and Desist Order (CDO) R5-2003-090, which rescinded CDO 98-061 and provided a time schedule to assure compliance with aluminum, chloroform, iron, manganese, methyl-tert butyl ether, methylene blue active substances, nitrite, and nitrate plus nitrite effluent limitations contained in WDRs Order R5-2003-0089 until 1 March 2008 or until the Discharger could achieve compliance, whichever was earlier.
5. On 6 December 2007, Central Valley Water Board issued CDO R5-2007-0163 and rescinded CDO R5-2003-0090. CDO R5-2007-0163 established a time schedule until 1 March 2010 to comply with final effluent limitations and includes interim effluent limitations for aluminum, chloroform, copper, cyanide, dibromochloromethane, dichlorobromomethane, manganese, nitrate plus nitrite, and zinc. On 12 June 2009, the Board adopted WDRs Order R5-2009-0067, effective on 31 July 2009, which contained new requirements and rescinded WDRs Order R5-2003-0089, except for enforcement purposes.
6. On 12 June 2009, CDO R5-2009-0068 was adopted until it was rescinded and replaced by CDO R5-2010-0050 on 27 May 2010, which contained interim effluent limitations for manganese and nitrate plus nitrite.
7. On 19 February 2016, the Board adopted WDRs Order R5-2016-0012, effective on 1 April 2016, which contained new requirements and rescinded WDRs Order R5-2009-0067.

8. On 15 March 2019, Central Valley Water Board staff issued the Discharger a Notice of Violation and Revised Record of Violations (ROV). The original Notice of Violation and Record of Violations was issued on 31 January 2018, but Prosecution Team staff found additional violations; therefore, a Revised ROV that contains a list of effluent limitation violations that occurred at the Facility between 1 June 2008 and 31 December 2018 was issued. The Discharger responded on 1 April 2019 and agreed with the violations.
9. Attachment A of this Order shows several effluent violations for constituents that had lost Mandatory Minimum Penalties (MMP) protection provided by CDO R5-2003-0090 after 5 June 2008, and that were inadvertently not included in the previous administrative civil liability complaint (ACLC) R5-2009-0569. Finding 11 of CDO R5-2007-0163 states: "Because CDO No. R5-2003-0090 provided the Discharger with almost 5 years to comply with effluent limitations for aluminum, chloroform, manganese, and nitrate-plus-nitrite, the exception from mandatory minimum penalties pursuant to CWC section 13385(j)(3) does not apply for these constituents after 5 June 2008."
10. This Order addresses administrative civil liability for effluent violations that occurred between 1 June 2008 and 31 December 2018. These violations are specifically identified in Attachment A to this Order as subject to MMPs. Attachment A to this Order is attached hereto and incorporated herein by this reference.
11. Water Code section 13385, subdivisions (h) and (i) require assessment of mandatory penalties and state, in part, the following:
  - 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, in part:

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.

12. WDRs Order R5-2003-0089, section B. 3. states in part:

**WDR Table: Effluent shall not exceed the following limits (from 1 March 2008 forward):**

Constituents	Units	Average Monthly	Average 4-Day	Average 1-Hour
Chloroform	Micrograms/L	1.1	Not Applicable (N/A)	Not Applicable (N/A)
Chloroform	lbs/day <a href="#">Footnote 2</a>	0.026	Not Applicable (N/A)	Not Applicable (N/A)
Nitrate + Nitrite (as N)	mg/L	10	Not Applicable (N/A)	Not Applicable (N/A)
Nitrate + Nitrite (as N)	lbs/day <a href="#">Footnote 3</a>	200	Not Applicable (N/A)	Not Applicable (N/A)
Manganese (total recoverable)	Micrograms/L	50	Not Applicable (N/A)	Not Applicable (N/A)
Manganese (total recoverable)	lbs/day <a href="#">Footnote 6</a>	3	Not Applicable (N/A)	Not Applicable (N/A)

**Footnotes:**

2. Based upon a design treatment capacity of 2.78 mgd [ $x \mu\text{g} / \text{L} \times (1 \text{ mg}/1000 \mu\text{g}) \times 8.345 \times 2.78 \text{ mgd} = y \text{ lbs/day}$ ]

3. Based upon a design treatment capacity of 2.78 mgd [ $x \text{ mg/L} \times 8.345 \times 2.78 \text{ mgd} = y \text{ lbs/day}$ ]

6. Based upon a design equalized peak flow treatment capacity of 7 mgd [ $x \mu\text{g} / \text{L} \times (1 \text{ mg}/1000 \mu\text{g}) \times 8.345 \times 7 \text{ mgd} = y \text{ lbs/day}$ ]

13. WDRs Order R5-2009-0067, section IV.A.1.a. states in part:

- a. The Discharge shall maintain compliance with the effluent limitations specified in Table 6:

**WDR Table 6. Effluent Limitations**

Parameter	Units	Average Monthly Effluent Limitations	Average Weekly Effluent Limitations	Maximum Daily Effluent Limitations	Instantaneous Minimum Effluent Limitations	Instantaneous Maximum Effluent Limitations
Ammonia (as N)	mg/L	1.6	N/A	5.5	N/A	N/A
Ammonia (as N)	lbs/day <a href="#">Footnote 1</a>	37	N/A	128	N/A	N/A
Nitrate plus Nitrite (as N)	mg/L	10	N/A	N/A	N/A	N/A
Nitrate plus Nitrite (as N)	lbs/Day	232	N/A	N/A	N/A	N/A

**Footnote:**

1. Based on Average dry weather flow of 2.78 mgd.

14. WDRs Order R5-2016-0012, section IV.A.1.a. states in part:

a. The Discharge shall maintain compliance with the effluent limitations specified in Table 4:

**WDR Table 4. Effluent Limitations**

Parameter	Units	Average Monthly Effluent Limitations	Average Weekly Effluent Limitations	Maximum Daily Effluent Limitations	Instantaneous Minimum Effluent Limitations	Instantaneous Maximum Effluent Limitations
pH	Standard units	N/A	N/A	N/A	6.5	8.0
Cyanide, Total Recoverable	Micro grams/L	4.3	N/A	8.5	N/A	N/A
Ammonia Nitrogen, Total (as N)	mg/L	1.6	3.5	N/A	N/A	N/A
Ammonia Nitrogen, Total (as N)	lbs/day <a href="#">Footnote 1</a>	37	81	N/A	N/A	N/A
Nitrate plus Nitrite (as N)	mg/L	10	19	N/A	N/A	N/A

**Footnote:**

1. Based on Average dry weather flow of 2.78 million gallons per day (MGD).

15. According to the Discharger's self-monitoring reports, the Discharger committed six (6) non-serious violations not subject to MMPs, five (5) serious Group I violations, twenty-seven (27) Group II violations, and five (5) non-serious violations subject to MMPs of the above effluent limitations contained in WDRs Order R5-2003-0089, R5-2009-0067, and R5-2016-0012 as shown in Attachment A. Six (6) non-serious violations are not subject to mandatory penalties because these violations fall within the first three violations in a 180-day period and thus are not subject to mandatory penalties. Five (5) non-serious violations are subject to mandatory penalties under Water Code section 13385 subdivision (i)(1) because these violations were preceded by three or more effluent limit violations within a 180-day period. The five (5) serious Group I violations are defined as serious because the measured concentration of the Group I constituents exceeded maximum prescribed levels by more than 40 percent. The twenty-seven (27) serious Group II violations are defined as serious because the measured concentration of the Group II constituents exceeded maximum prescribed levels by more than 20 percent. The mandatory minimum penalty for these violations is **one hundred eleven thousand dollars (\$111,000)** as described in Attachment A.

16. 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.

17. Under the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy), a publicly owned treatment work (POTW) serving a small community is a POTW serving a community that has a financial hardship and has a population of 10,000 (following adoption of the Enforcement Policy, Water Code section 13385, subdivision (k)(2) was amended to raise the population threshold to 20,000 or fewer people) or fewer people or lies completely within one or more rural counties.

18. Under the 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.
19. The Central Valley Water Board finds the Discharger as eligible for a Compliance Project because the City of Grass Valley Wastewater Treatment Plant is a publicly owned treatment work serving a small community with a financial hardship. The City of Grass Valley is located in Nevada County, which is qualified as rural county based on the 2013 United States Department of Agriculture Rural-Urban Continuum Codes for California. In light of this determination, the Central Valley Water Board allows the Discharger to spend an amount equivalent to the MMPs toward compliance projects that are designed to correct the violations between 30 June 2008 and 3 September 2012.
20. The Discharger has completed three compliance projects to improve the Facility treatment system which includes the UV Disinfection Project, the CalPOP Blower Project, and the Drew Tunnel Discharge Project.
21. The UV Disinfection Project was completed in September 2009 to upgrade the disinfection system from chlorination to UV disinfection and was implemented to address chloroform effluent violations. The UV Disinfection Project costed approximately \$3.4 million.
22. The CalPOP Blower Project was completed in July 2013 to improve the performance of the activated sludge process, enhancing nitrification and de-nitrification, while also providing energy optimization to the existing aeration basins. Existing positive displacement blowers were repurposed to be used to assist existing centrifugal aeration basin blowers by adding new variable frequency drives and control programming. This reduced fluctuations in dissolved oxygen levels in the aeration basin, providing a more stable treatment process. The CalPOP Blower Project was implemented to address ammonia and nitrate plus nitrate effluent violations. The CalPOP Blower Project costed approximately \$276,500.
23. The Drew Tunnel Discharge Project was completed in December 2014 to limit the introduction of constituents found in the mine discharge, such as iron and manganese, into the wastewater treatment plant as well as eliminating the hydraulic load from the mine flow. An abandoned mine portal (Drew Tunnel), owned by Newmont USA Limited, was exposed on the Discharger’s property during excavation for a chlorine contact chamber in 2000. Drainage from the mine had been surfacing and was pumped to the Facility for treatment. On December 2014, Newmont removed the Drew Tunnel Discharge flow from treatment at the Facility and temporarily rerouted it to a green sand/multimedia water treatment system for treatment prior to discharging it to Wolf Creek. The Drew Tunnel Discharge Project was implemented to address manganese effluent violations. The Drew Tunnel Discharge Project costed approximately \$627,000.

24. Table A and B of Attachment A of this Order shows that the proposed MMPs for all of the effluent violations are **one hundred eleven thousand dollars (\$111,000)**. The compliance projects listed above were designed to correct the violations of chloroform, manganese, ammonia, and nitrate plus nitrite as listed in Table A. Therefore, \$105,000 penalties resulting from these violations can be credited to the three compliance projects completed by the Discharger. The MMPs for the current violations that have not been addressed by a compliance project, listed in Table B, is **six thousand dollars (\$6,000)**.
25. 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 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 eleven thousand dollars (\$111,000)** in MMPs against the Discharger.
26. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violation 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:

27. **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.
28. **Administrative Civil Liability:**
- a) The Discharger hereby agrees to the imposition of an ACL in the amount of **one hundred eleven thousand dollars (\$111,000)** to the Central Valley Water Board to resolve the violations specifically alleged in Attachment A to this Order.
  - b) In lieu of assessing all of the **hundred and eleven thousand dollars (\$111,000)**, the Parties agree that the Discharger has spent **one hundred five thousand dollars (\$105,000)** towards the completion of Compliance Projects. Central Valley Water Board finds the proposed compliance project qualifies as a compliance project within the meaning of Water Code section 13385(k).
  - c) The Discharger hereby agrees to pay the remaining **six thousand dollars (\$6,000)** in MMPS.
    1. No later than 30 days after the Central Valley Water Board, or its delegee, signs this Order, the Discharger shall submit a check for six thousand dollars (\$6,000) made

payable to the "State Water Pollution Cleanup and Abatement Account," reference the Order number on page one of this Order, and mail it to:

State Water Resources Control Board Accounting Office  
Attn: ACL Payment  
P.O. Box 1888  
Sacramento, CA 95812-1888

2. The Discharger shall provide a copy of the check via email to the State Water Resources Control Board, Office of Enforcement ([Catherine.Hawe@waterboards.ca.gov](mailto:Catherine.Hawe@waterboards.ca.gov)) and the Central Valley Water Board ([Xuan.Luo@waterboards.ca.gov](mailto:Xuan.Luo@waterboards.ca.gov)).

**29. 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 may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

**30. Party Contacts for Communications Related to Stipulated Order:**

For the Central Valley Water Board:  
Xuan Luo  
Senior Water Resources Control Engineer  
NPDES Compliance and Enforcement  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
(916) 464-4606  
[xuan.luo@waterboards.ca.gov](mailto:xuan.luo@waterboards.ca.gov)

For the Discharger:  
Trevor Van Noort, Chief Treatment Plant Operator  
City of Grass Valley  
125 E. Main St.  
Grass Valley, CA 95945  
(530) 274-4371  
[treverv@cityofgrassvalley.com](mailto:treverv@cityofgrassvalley.com)

**31. 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.

**32. 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.

33. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
34. **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 Order.
35. **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 Prosecution Team or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
36. **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.
37. **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 Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.
38. **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.
39. **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:

40. **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.
41. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption the State Water Board, and further waives the rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
42. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, 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.
43. **Water Boards 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 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 Order.
44. **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 Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
45. **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.
46. **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.

47. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
48. **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.
49. **Counterpart Signatures:** This 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  
Andrew Altevogt  
Assistant Executive Officer

Date: 7/25/2019

City of Grass Valley

By: Original Signed By  
Timothy Kiser  
Public Works Director/City Engineer

Date: 7/24/2019

**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.

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.

Original Signed By  
Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

Date: 9/9/2019

Attachment A: Record of Violations

**City of Grass Valley  
Wastewater Treatment Plant  
RECORD OF VIOLATIONS (1 June 2008 – 31 December 2018)  
MANDATORY PENALTIES**

(Data reported under Monitoring and Reporting Programs R5-2003-0089, R5-2009-0067 and R5-2016-0012)

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

**Table A. Violations Subject to Mandatory Penalties Addressed by Compliance Projects**

Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
1	30-Jun-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	30	Average Monthly	CAT2	SIG	807429
2	30-Jun-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.41	Average Monthly	CAT2	SIG	807430
3	31-Jul-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	42	Average Monthly	CAT2	SIG	807438
4	31-Jul-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.56	Average Monthly	CAT2	SIG	807441
5	31-Aug-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	35	Average Monthly	CAT2	SIG	807449
6	31-Aug-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.45	Average Monthly	CAT2	SIG	807450
7	30-Sep-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	36	Average Monthly	CAT2	SIG	807456
8	30-Sep-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.41	Average Monthly	CAT2	SIG	807458
9	31-Oct-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	47	Average Monthly	CAT2	SIG	807465
10	31-Oct-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.2	Average Monthly	CAT2	SIG	807467
11	30-Nov-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	34	Average Monthly	CAT2	SIG	807481
12	30-Nov-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.5	Average Monthly	CAT2	SIG	807482

Stipulated Administrative Civil Liability Order R5-2019-0509  
City of Grass Valley  
Attachment A

Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
13	31-Dec-08	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	28	Average Monthly	CAT2	SIG	807486
14	31-Dec-08	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.31	Average Monthly	CAT2	SIG	807490
15	31-Jan-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	22	Average Monthly	CAT2	SIG	816464
16	31-Jan-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.3	Average Monthly	CAT2	SIG	816478
17	28-Feb-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	19	Average Monthly	CAT2	SIG	1056739
18	28-Feb-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.33	Average Monthly	CAT2	SIG	1056740
19	31-Mar-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	10	Average Monthly	CAT2	SIG	1056741
20	31-Mar-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.34	Average Monthly	CAT2	SIG	1056742
21	31-Mar-09	Manganese Total Recoverable <a href="#">Footnote 1</a> <a href="#">Footnote 2</a>	Micro gram/L	50	144	Annual Average	CAT1	SIG	821423
22	31-Mar-09	Manganese Total Recoverable <a href="#">Footnote 1</a> <a href="#">Footnote 2</a>	Micro gram/L	3	5	Annual Average	CAT1	SIG	821424

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 Attachment A

Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
23	31-Mar-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	lbs/day	200	243	Average Monthly	CAT1	CHRON	821420
24	30-Apr-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	23	Average Monthly	CAT2	SIG	822536
25	30-Apr-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.36	Average Monthly	CAT2	SIG	822537
26	31-May-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	19	Average Monthly	CAT2	SIG	828072
27	31-May-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.44	Average Monthly	CAT2	SIG	828074
28	30-Jun-09	Chloroform <a href="#">Footnote 1</a>	Micro gram/L	1.1	27	Average Monthly	CAT2	SIG	845332
29	30-Jun-09	Chloroform <a href="#">Footnote 1</a>	lbs/day	0.03	0.404	Average Monthly	CAT2	SIG	845333
30	30-Jun-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	12	Average Monthly	CAT1	CHRON	845336
31	31-Jul-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	12	Average Monthly	CAT1	CHRON	845337
32	31-Oct-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	19	Average Monthly	CAT1	SIG	875707
33	30-Nov-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	13	Average Monthly	CAT1	CHRON	875711

Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
34	31-Dec-09	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	11	Average Monthly	CAT1	CHRON	861013
35	31-Jul-10	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	11	Average Monthly	CAT1	NCHRON	882456
36	31-Dec-11	Ammonia (as N)	mg/L	1.6	1.7	Average Monthly	OEV	NCHRON	919425
37	29-Feb-12	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	16	Average Monthly	CAT1	SIG	923038
38	3-Sep-12	Ammonia (as N)	mg/L	5.5	6.0	Maximum Daily	CAT1	NCHRON	938811

**Footnote:**

1. These constituents had interim effluent limits contained in cease and desist order (CDO) R5-2007-0163; however, no MMP protection was provided after 5 June 2008 (refer to Finding No. 11 of CDO R5-2007-0163). These constituents were not addressed in the previous ACL Complaint R5-2009-0569.
2. An abandoned mine portal, Drew Tunnel, owned by Newmont USA Limited, was exposed at the Facility during excavation for a treatment plant upgrade project in 2000. The mine drainage contained elevated levels of manganese, low pH, and temperature. On 30 September 2014, Newmont USA Limited removed the Drew Tunnel discharge flow from treatment at the Facility (refer to Finding No.14 of CDO R5-2010-0050).

**Table B. Current Violations Subject to Mandatory Penalties**

Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
39	30-Nov-16	Nitrate plus Nitrite (as N) <a href="#">Footnote 1</a>	mg/L	10	12	Average Monthly	CAT1	NCHRON	1017329
40	10-Jan-17	pH	standard units	6.5	6.4	Instantaneous Minimum	OEV	NCHRON	1021482



Row	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID
41	31-Dec-17	Cyanide, Total	Micro grams/L	4.3	6.8	Average Monthly	CAT2	SIG	1038413
42	29-Aug-18	Ammonia (as N)	mg/L	3.5	7.6	Average Weekly	CAT1	SIG	1048878
43	29-Aug-18	Ammonia (as N)	lb/day	81	90	Average Weekly	CAT1	NCHR ON	1052047

**Footnote:**

1. These constituents had interim effluent limits contained in cease and desist order (CDO) R5-2007-0163; however, no MMP protection was provided after 5 June 2008 (refer to Finding No. 11 of CDO R5-2007-0163). These constituents were not addressed in the previous ACL Complaint R5-2009-0569.

**VIOLATIONS AS OF: 12/31/2018**

Group I Serious Violations:	5
Group II Serious Violations:	27
Non-Serious Violations Not Subject to MMPS:	6
Non-Serious Violations Subject to MMPS:	5
<b>Total Violations Subject to MMPS:</b>	<b>37</b>

Mandatory Minimum Penalty Amount for Effluent Limit Violations  
 32 Serious Violation(s) x \$3,000 Violation = \$96,000  
 5 Non-Serious Violation subject to MMP x \$3,000 per Violation = \$15,000

Mandatory Minimum Penalty = (32 Serious Violations + 5 Non-Serious Violations) x \$3,000 = \$111,000

**Table C. Definition**

<b>Abbreviation</b>	<b>Description</b>
CAT 1	Violation of effluent limitation for Group I pollutant.
CAT 2	Violation of effluent limitation for Group II pollutant
CHRON	Chronic violation as defined by Water Code section 13385 (i). Any non-serious violation that falls within a 180-day period with three preceding violations. Thus, the fourth non-serious violation that occurs within a 180-day period is subject to MMPS.
CIWQS	<a href="https://www.waterboards.ca.gov/water_issues/programs/ciwqs/">California Integrated Water Quality System Database</a> ( <a href="https://www.waterboards.ca.gov/water_issues/programs/ciwqs/">https://www.waterboards.ca.gov/water_issues/programs/ciwqs/</a> )
CTOX	Violation of chronic toxicity effluent limitation.
DREP	Deficient reporting violation. This will only result in MMPS if the report is so deficient as to make determination of compliance impossible for the reporting period.
LREP	Late Reporting violation. Every 30-Days a report is late counts as one serious late reporting violation subject to MMPS.
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.
MMP Type	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.
OEV	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more. For Group II pollutants that exceed the effluent limitation by 20 percent or more.