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## Central Valley Regional Water Quality Control Board

12 April 2017

Mr. Walter Munchheimer  
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*via email and US Mail*

### ***ENFORCEMENT DISCRETION REGARDING CEASE AND DESIST ORDER R5-2009-0014, CITY OF MARYSVILLE WASTEWATER TREATMENT PLANT, YUBA COUNTY***

The Central Valley Regional Water Quality Control Board (Board) issued Cease and Desist Order (CDO) R5-2009-0014 on 5 February 2009 to the City of Marysville (City). The CDO contains compliance schedules with specific timetables for submitting reports, implementing facility improvements and constructing a wastewater conveyance pipeline to the Linda County Wastewater Treatment Plant. Once completed, wastewater from the City will be conveyed to the Linda County WWTF for treatment and disposal.

Among other things, the CDO requires the City to submit a *Facility Construction Completion Report* by 1 December 2014, certifying that all construction and necessary modifications have been made to the facility and any other involved facilities. Additionally, the report shall certify that the facility is enrolled under the Sanitary Sewer Overflow Program General Order, administered by the State Water Resources Control Board. The CDO also requires that the City submit a *Pond Closure Report* that certifies that all wastewater storage and disposal ponds, which are not protected from inundation or wash out due to flood and/or storm inundation with a 100-year annual return, have been decommissioned and closed in accordance with a previously approved *Pond Closure Workplan*.

As of the date of this letter, the Board's Prosecution Team hereby finds and agrees that the City has completed any and all other hereby ordered provisions of the CDO (inclusive of Provisions 1 through 9), except for completion of the *Facility Construction Completion Report* (Provision 10), *Pond Closure Report* (Provision 11), and *Quarterly Project Status Reports* (Provision 13) that have yet to become due. Further, the Board's Prosecution Team in consideration of the promises, covenants and conditions contained in this agreement, hereby agrees that it will *not* bring any enforcement action for any past violation of the CDO that may have otherwise been connected to and/or associated with compliance of provisions 1 through 9 of the CDO.

With respect to provision 10 of the CDO, the Board's Prosecution Team has determined that the City is currently in violation of the CDO for failure to submit a *Facility Construction Completion Report* by 1 December 2014. It is also anticipated that the City will be unable to comply with provision 11 of the CDO that requires submittal of a *Pond Closure Report* within 120 days after the City commences discharging wastewater to the Linda County Wastewater Treatment Plant because the City has provided information to the Board indicating that the Pond Closure

process (which includes the need to obtain associated permits as well as decommissioning activities) will take substantial time and effort that cannot be accomplished within 120 days. Based on the City's commitment to meet the remaining terms of the CDO to the best of its ability, the Board's Prosecution Team, in consideration of the promises, covenants and conditions contained in this agreement, hereby agrees that it will exercise its enforcement discretion and not bring an enforcement action against the City for any past and/or future violations of the CDO associated with provisions 10 and 11 of the CDO as long as the City meets the following terms and conditions:

- 1) By **31 December 2017**, the City shall submit a Facility Construction Completion Report that contains the information described in the CDO in Provision 10.
- 2) By **4 December 2020**, the City shall submit a Pond Closure Report that contains the information described in the CDO in Provision 11.
- 3) The City shall continue to submit Quarterly Project Status Reports as required in Provision 13 of the CDO until the Quarter after the submittal of the Pond Closure Report.

If the City does not comply with the above terms and conditions, the Board's Prosecution Team may elect to bring an enforcement action against the City for violations associated specifically with Provisions 10 and 11 of the CDO. The Board's Prosecution Team maintains its enforcement discretion to bring an enforcement action against the City for failure to comply with Provision 13 for any future alleged violations. Submission of the Facility Construction Completion Report or the Pond Closure Report after the dates stated above will not be considered noncompliance with the above terms and conditions and would not be subject to an enforcement action if the City can provide sufficient evidence and/or information to the Board's Prosecution Team that the delay was unavoidable and not due to delays caused by the City. In such an instance, the Board's Prosecution Team agrees that this agreement would be revised to reflect new dates in paragraphs 1 and 2 above with respect to the terms and conditions of this agreement.

If you have any questions, please contact Wendy Wyels at (916) 464-4835 or at [wwyels@waterboards.ca.gov](mailto:wwyels@waterboards.ca.gov).

*Original signed by*

ANDREW ALTEVOGT  
Assistant Executive Officer

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