

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

In the Matter of:

ORDER R5-2024-0523

**AMERICAN VALLEY COMMUNITY
SERVICES DISTRICT
AMERICAN VALLEY 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's Prosecution Team (Prosecution Team), and the American Valley 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 American Valley Wastewater Treatment Plant (Facility), which provides sewerage service to the communities of Quincy and East Quincy, and services a population of approximately 3,767 residents of Plumas County. The Facility discharges treated domestic wastewater during the wet season (November 1st through May 15th) to Spanish Creek, a water of the United States. During the dry season (May 16th through October 31st) effluent is discharged to neighboring Leonhardt Ranch, a non-dairy cattle pasture.
3. On 24 June 2016, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2016-0049 (NPDES No. CA0078981), amended by Change of Name Order R5-2018-0032¹, to regulate the Facility, which requires, among other things, compliance with final effluent limitations at Discharge Point No. 001. The WDRs Order R5-2016-0049 also included interim limits for ammonia that expired on 31 May 2021.
4. On 24 June 2016, the Central Valley Water Board adopted Time Schedule Order (TSO) R5-2016-0050, which contained interim effluent limits and compliance schedule for copper and lead that included a mixing zone and dilution study and

¹ East Quincy CSD and Quincy CSD merged in 2018 to become American Valley CSD. The WWTP was renamed American Valley WWTP. Order R5-2018-0032 adopted by the Central Valley Water Board in April 2018 documents this name change.

upgrades to the Facility. The interim effluent limits for copper and lead are effective through 31 May 2021.

5. From 1 December 2016 through 31 March 2024, the Discharger violated final effluent limitations at Discharge Point No. 001 for the following parameters: ammonia, total; biochemical oxygen demand, 5-day; chlorine, total residual; coliform, total; copper, total recoverable; pH; and total suspended solids. On 21 April 2020, 9 January 2023, and 23 July 2024, Central Valley Water Board staff issued the Discharger Notices of Violation for the effluent limitation violations. 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).
6. 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.
7. According to the Discharger's self-monitoring reports (SMRs), and as identified in Table A of Attachment A, the Discharger committed seventy (70) serious violations and eighteen (18) non-serious violations of effluent limitations contained in WDRs Orders R5-2016-0049 that are subject to MMPs. **The MMP amount for the alleged effluent limitation violations is two hundred and sixty-four thousand dollars (\$264,000).**
8. 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 (POTW) 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 10,000 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.

9. 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.
10. 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 approximately 3,767, lies completely within a rural county, and has a median household income (MHI) of approximately \$73,039, which is less than 80% of the statewide MHI, according to the 2022 American Community Survey 5-Year Estimates.
11. The Discharger submitted a Compliance Project proposal to eliminate future effluent limitation violations. Additional information and requirements regarding the Compliance Project is contained in Attachments B, attached hereto and incorporated by reference.
12. 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 **two hundred and sixty-four thousand dollars (\$264,000)** against the Discharger.
13. The 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:

14. **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.
15. **Administrative Civil Liability:**
 - A) The Discharger agrees to the imposition of an ACL in the amount of **two hundred and sixty-four thousand dollars (\$264,000)** to resolve the violations alleged in Attachment A. The ACL will be spent in accordance with the Compliance Project described herein and in Attachment B.
 - B) The Parties agree that the entire ACL amount of **two hundred and sixty-four thousand dollars (\$264,000)** will be suspended pending completion of the Compliance Project described herein and Attachment B. This amount is also referred to as the Suspended Liability Amount.
16. **Description of Compliance Project:** The Discharger agrees to implement the following Compliance Project: Mixing Zone and Dilution Study and Construction Phase for the Wastewater Treatment Plant Improvement Project. Construction includes: upgrades to the existing headworks (influent flow measurement, primary flow equalization, screenings, and grit removal), a new secondary treatment system (AERO-Mod SEQUOX® plus biological nutrient removal process), improvements to existing chlorine contact disinfection facilities, and a new effluent outfall pipeline to convey treated effluent from the disinfection system to the existing diffuser in Spanish Creek are designed to meet the effluent limitations in the WDRs. The complete description for the Compliance Project is contained in Attachment B, incorporated herein by reference.
17. **Inspection Authority:** The Discharger agrees that Central Valley Water Board staff have permission to inspect the Compliance Project, including any documents associated with implementation of the Compliance Project, at any time without notice.
18. **Compliance Project Budget:** The Discharger is proposing to spend the equivalent amount of administrative civil liability, as calculated in Attachment A, on the Compliance Project. The Discharger has prepared a financing plan to complete the Compliance Project.

19. **Compliance Project Schedule and Reporting Requirements:** The Discharger anticipates completing the Compliance Project within one year of the date of approval of this Stipulated Order (Compliance Project Completion Date). The Discharger shall submit the following reports to the Central Valley Water Board contact identified in Paragraph 24 below:
- A) **Certification of Completion:** No later than the Compliance Project completion dates identified in Attachment B, 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 Project in accordance with the terms of this Stipulated Order, and documents the Discharger's expenditures to implement the Compliance Project. Documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Central Valley Water Board to evaluate completion of the Compliance Project 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.
20. **Third Party Financial Audit of Compliance Project:** If the Central Valley Water Board obtains information indicating that the Discharger has not expended money on the Compliance Project in the amount claimed, or has not adequately completed the Compliance Project, 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.
21. **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.
22. **Failure to Complete Compliance Project:** If the Compliance Project is not fully implemented by the Compliance Project Completion Date described in

Attachment B, the Discharger shall pay the entire Suspended Liability Amount associated with the Compliance Project (\$264,000). Payment shall be made to the State Water Pollution Cleanup and Abatement Account within 30 days of receipt of written notice from the Central Valley Water Board, or its delegee, that the Compliance Project has not been completed.

23. **Satisfaction of Order:** Under Water Code section 13385, subdivision (k)(1)(A), and the State Water Resources Control Board's Water Quality Enforcement Policy, a Compliance Project must be designed to correct the violations within five years. Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of Compliance Project, 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 Project.

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

FOR THE CENTRAL VALLEY WATER BOARD:

Stacy Gotham, Senior Water Resource Control Engineer
NPDES Unit
364 Knollcrest Drive, Suite 205
Redding, CA 96002
(530) 224-4993
Stacy.Gotham@waterboards.ca.gov

FOR THE DISCHARGER:

Katie Nunn, General Manager
American Valley Community Services District
900 Spanish Creek Road
Quincy, CA 95971
(530) 283-0836
katie@americanvalleycsd.com

25. **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.

26. **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.

- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.
- 31. 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.

32. **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.
33. **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.
34. **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.
35. **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.
36. **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.

37. **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.
38. **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.
39. **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.
40. **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.
41. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
42. **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.
43. **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
Clint E. Snyder, P.G.
Assistant Executive Officer

16 December 2024
Date

American Valley Community Service District

By: Original signed by Katie Nunn
Katie Nunn
General Manager

15 January 2025
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

Date

Attachments (2):

Attachment A: Record of Violations for Assessing Mandatory Minimum Penalties

Attachment B: Compliance Project Description

**R5-2024-0523 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

**American Valley Community Services District
American Valley Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 December 2016 – 31 March 2024 MANDATORY MINIMUM PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2016-0049)

The following table lists the alleged violations 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	12/05/2016	Chlorine, Total Residual	mg/L	0.019	0.04	1-Hour Average	CAT2	SIG	\$3,000	1071393
2	02/02/2017	2016 Acute Toxicity Annual Report	Percent Survival	70/90	--	Minimum One Bioassay/ Median Three Bioassay	LREP	SIG	\$3,000	1108955
3	02/13/2017	Chlorine, Total Residual	mg/L	0.019	0.203	1-Hour Average	CAT2	SIG	\$3,000	1023022
4	02/21/2017	Chlorine, Total Residual	mg/L	0.019	0.099	1-Hour Average	CAT2	SIG	\$3,000	1023024
5	02/21/2017	Total Coliform	MPN/ 100mL	23	130	7-Day Median	OEV	CHRON	\$3,000	1023023
6	06/02/2017	2017 April Monthly SMR	--	--	--	--	LREP	SIG	\$3,000	1108957
7	01/31/2018	Copper, Total Recoverable	µg/L	4.6	6.2	Average Monthly	CAT2	EXEMPT	N/A	1071401

**R5-2024-0523 - 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
8	01/31/2018	Total Suspended Solids (TSS)	Percent Removal	85	80	Average Monthly	CAT1	NCHRON	\$0	1039363
9	02/28/2018	Copper, Total Recoverable	µg/L	4.6	6.7	Average Monthly	CAT2	EXEMPT	N/A	1071402
10	02/28/2018	Total Suspended Solids (TSS)	Percent Removal	85	83	Average Monthly	CAT1	NCHRON	\$0	1040982
11	03/06/2018	Copper, Total Recoverable	µg/L	7.4	9.5	Maximum Daily	CAT2	EXEMPT	N/A	1071405
12	03/06/2018	Total Suspended Solids (TSS)	mg/L	45	49	Average Weekly	CAT1	NCHRON	\$0	1042315
13	03/31/2018	BOD5 @ 20 Deg. C	Percent Removal	85	82	Average Monthly	CAT1	CHRON	\$3,000	1042314
14	03/31/2018	Copper, Total Recoverable	µg/L	4.6	9.5	Average Monthly	CAT2	EXEMPT	N/A	1071404
15	03/31/2018	Total Suspended Solids (TSS)	mg/L	30	35	Average Monthly	CAT1	CHRON	\$3,000	1042313
16	03/31/2018	Total Suspended Solids (TSS)	Percent Removal	85	75	Average Monthly	CAT1	CHRON	\$3,000	1042312
17	04/16/2018	Chlorine, Total Residual	mg/L	0.019	0.960	1-Hour Average	CAT2	SIG	\$3,000	1043591
18	04/16/2018	Chlorine, Total Residual	mg/L	0.011	0.018	4-Day Average	CAT2	SIG	\$3,000	1043592
19	05/03/2018	Chlorine, Total Residual	mg/L	0.019	0.13	1-Hour Average	CAT2	SIG	\$3,000	1044807

**R5-2024-0523 - 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
20	03/31/2019	Total Suspended Solids (TSS)	Percent Removal	85	80	Average Monthly	CAT1	NCHRON	\$0	1057737
21	04/30/2019	Copper, Total Recoverable	µg/L	4.6	6.0	Average Monthly	CAT2	EXEMPT	N/A	1058940
22	02/13/2020	Chlorine, Total Residual	mg/L	0.019	0.020	1-Hour Average	CAT2	NCHRON	\$0	1071701
23	02/29/2020	Copper, Total Recoverable	µg/L	4.6	5.5	Average Monthly	CAT2	EXEMPT	N/A	1072046
24	03/31/2020	Copper, Total Recoverable	µg/L	4.6	5.7	Average Monthly	CAT2	EXEMPT	N/A	1072975
25	01/04/2021	Chlorine, Total Residual	mg/L	0.019	0.27	1-Hour Average	CAT2	SIG	\$3,000	1086904
26	02/02/2021	2020 Acute Toxicity Annual Report	Percent Survival	70/90	--	Minimum One Bioassay/ Median Three Bioassay	LREP	SIG	\$3,000	1108609
27	02/02/2021	Total Coliform	MPN/100 mL	23	34	7-Day Median	OEV	NCHRON	\$0	1088036
28	04/01/2021	Chlorine, Total Residual	mg/L	0.019	0.052	1-Hour Average	CAT2	SIG	\$3,000	1090591
29	04/18/2021	Chlorine, Total Residual	mg/L	0.019	0.095	1-Hour Average	CAT2	SIG	\$3,000	1090590
30	12/17/2021	Copper, Total Recoverable	µg/L	7.4	15	Maximum Daily	CAT2	SIG	\$3,000	1099940
31	12/18/2021	Ammonia, Total (as N)	mg/L	0.86	7.1	Average Weekly	CAT1	SIG	\$3,000	1108013

**R5-2024-0523 - 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
32	12/18/2021	Ammonia, Total (as N)	lb/day	35	140	Average Weekly	CAT1	SIG	\$3,000	1108474
33	12/26/2021	Chlorine, Total Residual	mg/L	0.019	0.04	1-Hour Average	CAT2	SIG	\$3,000	1099939
34	12/31/2021	Ammonia, Total (as N)	mg/L	0.50	7.1	Average Monthly	CAT1	SIG	\$3,000	1105416
35	12/31/2021	Ammonia, Total (as N)	lb/day	20	100	Average Monthly	CAT1	SIG	\$3,000	1108475
36	12/31/2021	Copper, Total Recoverable	µg/L	4.6	15	Average Monthly	CAT2	SIG	\$3,000	1099935
37	01/11/2022	Copper, Total Recoverable	µg/L	7.4	9.8	Maximum Daily	CAT2	SIG	\$3,000	1101249
38	01/15/2022	Ammonia, Total (as N)	mg/L	0.86	5.3	Average Weekly	CAT1	SIG	\$3,000	1108019
39	01/15/2022	Ammonia, Total (as N)	lb/day	35	65	Average Weekly	CAT1	SIG	\$3,000	1108476
40	01/31/2022	Ammonia, Total (as N)	mg/L	0.50	5.3	Average Monthly	CAT1	SIG	\$3,000	1105420
41	01/31/2022	Ammonia, Total (as N)	lb/day	20	62	Average Monthly	CAT1	SIG	\$3,000	1108477
42	01/31/2022	Copper, Total Recoverable	µg/L	4.6	9.8	Average Monthly	CAT2	SIG	\$3,000	1101252
43	02/01/2022	Copper, Total Recoverable	µg/L	7.4	14	Maximum Daily	CAT2	SIG	\$3,000	1102343
44	02/02/2022	2021 Acute Toxicity Annual Report	Percent Survival	70/90	--	Minimum One Bioassay/ Median Three Bioassay	LREP	SIG	\$3,000	1100626

**R5-2024-0523 - 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
45	02/05/2022	Ammonia, Total (as N)	mg/L	0.86	8.5	Average Weekly	CAT1	SIG	\$3,000	1108021
46	02/05/2022	Ammonia, Total (as N)	lb/day	35	70	Average Weekly	CAT1	SIG	\$3,000	1108478
47	02/28/2022	Ammonia, Total (as N)	mg/L	0.50	8.5	Average Monthly	CAT1	SIG	\$3,000	1105419
48	02/28/2022	Ammonia, Total (as N)	lb/day	20	70	Average Monthly	CAT1	SIG	\$3,000	1108479
49	02/28/2022	Copper, Total Recoverable	µg/L	4.6	14	Average Monthly	CAT2	SIG	\$3,000	1102342
50	03/01/2022	Copper, Total Recoverable	µg/L	7.4	8.3	Maximum Daily	CAT2	CHRON	\$3,000	1103653
51	03/05/2022	Ammonia, Total (as N)	mg/L	0.86	12	Average Weekly	CAT1	SIG	\$3,000	1108024
52	03/05/2022	Ammonia, Total (as N)	lb/day	35	93	Average Weekly	CAT1	SIG	\$3,000	1108480
53	03/26/2022	BOD5 @ 20 Deg. C	mg/L	45	47	Average Weekly	CAT1	CHRON	\$3,000	1103655
54	03/31/2022	Ammonia, Total (as N)	mg/L	0.50	12	Average Monthly	CAT1	SIG	\$3,000	1105421
55	03/31/2022	Ammonia, Total (as N)	lb/day	20	59	Average Monthly	CAT1	SIG	\$3,000	1108481
56	03/31/2022	Copper, Total Recoverable	µg/L	4.6	8.3	Average Monthly	CAT2	SIG	\$3,000	1103656
57	11/15/2022	Chlorine, Total Residual	mg/L	0.019	0.17	1-Hour Average	CAT2	SIG	\$3,000	1111584
58	11/19/2022	Ammonia, Total (as N)	mg/L	0.86	2.9	Average Weekly	CAT1	SIG	\$3,000	1111775
59	11/22/2022	Chlorine, Total Residual	mg/L	0.019	0.21	1-Hour Average	CAT2	SIG	\$3,000	1111583

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
60	11/23/2022	Chlorine, Total Residual	mg/L	0.019	0.20	1-Hour Average	CAT2	SIG	\$3,000	1111582
61	11/27/2022	Chlorine, Total Residual	mg/L	0.019	0.11	1-Hour Average	CAT2	SIG	\$3,000	1111581
62	11/30/2022	Ammonia, Total (as N)	mg/L	0.50	2.9	Average Monthly	CAT1	SIG	\$3,000	1111774
63	12/13/2022	Copper, Total Recoverable	µg/L	7.4	11	Maximum Daily	CAT2	SIG	\$3,000	1112948
64	12/17/2022	Ammonia, Total (as N)	mg/L	0.86	8.5	Average Weekly	CAT1	SIG	\$3,000	1113977
65	12/17/2022	Ammonia, Total (as N)	lb/day	35	59	Average Weekly	CAT1	SIG	\$3,000	1114604
66	12/20/2022	Chlorine, Total Residual	mg/L	0.019	0.29	1-Hour Average	CAT2	SIG	\$3,000	1112946
67	12/21/2022	Chlorine, Total Residual	mg/L	0.019	0.090	1-Hour Average	CAT2	SIG	\$3,000	1112949
68	12/29/2022	Chlorine, Total Residual	mg/L	0.019	0.60	1-Hour Average	CAT2	SIG	\$3,000	1112950
69	12/31/2022	Ammonia, Total (as N)	mg/L	0.50	8.5	Average Monthly	CAT1	SIG	\$3,000	1113983
70	12/31/2022	Ammonia, Total (as N)	lb/day	20	54	Average Monthly	CAT1	SIG	\$3,000	1114605
71	12/31/2022	Copper, Total Recoverable	µg/L	4.6	11	Average Monthly	CAT2	SIG	\$3,000	1112947
72	01/06/2023	Chlorine, Total Residual	mg/L	0.019	0.030	1-Hour Average	CAT2	SIG	\$3,000	1113999
73	01/07/2023	Ammonia, Total (as N)	mg/L	0.86	1.2	Average Weekly	CAT1	SIG	\$3,000	1114074
74	01/09/2023	pH	SU	6.0	5.9	Instant. Minimum	OEV	CHRON	\$3,000	1113995

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
75	01/11/2023	Chlorine, Total Residual	mg/L	0.019	0.55	1-Hour Average	CAT2	SIG	\$3,000	1113996
76	01/12/2023	Chlorine, Total Residual	mg/L	0.019	0.19	1-Hour Average	CAT2	SIG	\$3,000	1113994
77	01/12/2023	Chlorine, Total Residual	mg/L	0.011	0.013	4-Day Average	CAT2	CHRON	\$3,000	1129244
78	01/15/2023	Chlorine, Total Residual	mg/L	0.019	0.54	1-Hour Average	CAT2	SIG	\$3,000	1113998
79	01/22/2023	Chlorine, Total Residual	mg/L	0.019	0.26	1-Hour Average	CAT2	SIG	\$3,000	1113992
80	01/31/2023	Ammonia, Total (as N)	mg/L	0.50	1.2	Average Monthly	CAT1	SIG	\$3,000	1114073
81	01/31/2023	Copper, Total Recoverable	µg/L	4.6	5.1	Average Monthly	CAT2	CHRON	\$3,000	1113993
82	01/31/2023	Total Suspended Solids	%	85	64	Percent Removal	CAT1	CHRON	\$3,000	1114000
83	02/28/2023	Copper, Total Recoverable	µg/L	4.6	5.3	Average Monthly	CAT2	CHRON	\$3,000	1115021
84	03/15/2023	Chlorine, Total Residual	mg/L	0.019	0.36	1-Hour Average	CAT2	SIG	\$3,000	1116130
85	03/16/2023	Chlorine, Total Residual	mg/L	0.011	0.012	4-Day Average	CAT2	CHRON	\$3,000	1116129
86	03/31/2023	Copper, Total Recoverable	µg/L	4.6	5.6	Average Monthly	CAT2	SIG	\$3,000	1116125
87	04/25/2023	Total Coliform	MPN/100 mL	23	49	7-day Median	OEV	CHRON	\$3,000	1117265
88	04/30/2023	Copper, Total Recoverable	µg/L	4.6	4.9	Average Monthly	CAT2	CHRON	\$3,000	1117264

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

Item	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	MMP Amount	CIWQS
89	05/31/2023	Copper, Total Recoverable	µg/L	4.6	6.2	Average Monthly	CAT2	SIG	\$3,000	1118018
90	06/29/2023	Total Coliform	MPN/100 mL	23	>1600	7-day Median	OEV	CHRON	\$3,000	1118964
91	11/07/2023	Copper, Total Recoverable	µg/L	7.4	7.5	Maximum Daily	CAT2	CHRON	\$3,000	1122974
92	11/30/2023	Copper, Total Recoverable	µg/L	4.6	7.5	Average Monthly	CAT2	SIG	\$3,000	1122973
93	12/02/2023	Chlorine, Total Residual	mg/L	0.019	0.050	1-Hour Average	CAT2	SIG	\$3,000	1123472
94	12/05/2023	Copper, Total Recoverable	µg/L	7.4	11	Maximum Daily	CAT2	SIG	\$3,000	1123475
95	12/31/2023	Copper, Total Recoverable	µg/L	4.6	11	Average Monthly	CAT2	SIG	\$3,000	1123474
96	01/31/2024	Copper, Total Recoverable	µg/L	4.6	7.1	Average Monthly	CAT2	SIG	\$3,000	1124433
97	02/02/2024	2023 Acute Toxicity Annual Report	Percent Survival	70/90	--	Minimum One Bioassay/ Median Three Bioassay	LREP	SIG	\$3,000	1124272
98	02/29/2024	Chlorine, Total Residual	mg/L	0.019	0.080	1-Hour Average	CAT2	SIG	\$3,000	1125408
99	02/29/2024	Copper, Total Recoverable	µg/L	4.6	4.7	Monthly Average	CAT2	CHRON	\$3,000	1125407
100	03/20/2024	Chlorine, Total Residual	mg/L	0.019	0.620	1-Hour Average	CAT2	SIG	\$3,000	1126627
101	03/20/2024	Chlorine, Total Residual	mg/L	0.011	0.013	4-Day Average	CAT2	CHRON	\$3,000	1126626

**R5-2024-0523 - ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES**

PAYMENT AMOUNT VIOLATIONS SUMMARY:

<u>VIOLATIONS AS OF:</u>	<u>31 March 2024</u>
Serious Violations:	70
Exempt Violations Not Subject to MMPs:	7
Non-Serious Violations Subject to MMPs:	18
<u>Non-Serious Violations Not Subject to MMPs:</u>	<u>6</u>
Total Violations Subject to MMPs:	88

Mandatory Minimum Penalty Amount for Effluent Limit Violation(s)

70 Serious Violations x \$3,000/Violation = \$210,000

18 Non-Serious Violations subject to MMPs x \$3,000/Violation = \$54,000

Total Mandatory Minimum Penalty = \$264,000

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RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Table B - Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CAT 2	Violation of effluent limitation for Group 2 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(a)(1), the failure to file a required discharge monitoring report pursuant to Water Code section 13383 for each complete thirty (30) days following the deadline for submitting the report constitutes a serious violation subject to an MMP under Water Code section 13385(h).
Measured	Reported value for the monitoring period by the Discharger.
EXEMPT	Does not exceed interim effluent limitations included in Time Schedule Order (TSO) R5-2016-0050. Compliance with TSO issued after 07/07/2020 is not subject to MMP California Water Code 13385(j)(3).
MMP Type	Classification of the type of MMP violation.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
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.
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).

**R5-2024-0523 - ATTACHMENT B
COMPLIANCE PROJECT DESCRIPTION**

Compliance Project Description

Compliance Project Title:

Construction Phase for American Valley Wastewater Treatment Plant Improvements Project

Geographic Area of Interest:

American Valley Wastewater Treatment Plant (WWTP), in the town of Quincy, Plumas County, specifically the East Branch North Fork Feather River watershed downstream of the WWTP.

Name of Responsible Entity:

American Valley Community Services District (Discharger)

Contact Information:

Katie Nunn, General Manager
American Valley Community Services District (AVCSD or District)
900 Spanish Creek Road
Quincy, CA 95971
(530) 283-0836
katie@americanvalleycsd.com

Compliance Project Description and Goals:

The American Valley Community Services District (Discharger) accrued mandatory minimum penalties (MMPs) of \$264,000 for effluent limitation violations of ammonia, BOD, chlorine, coliform, copper, pH, and TSS between December 2016 and March 2024. The Discharger has historically had challenges meeting effluent limitations in their NPDES permit for discharge to surface water and received a Proposition 1 Small Community Wastewater Planning Grant (Planning Grant) from the State Water Resources Control Board in 2016 to evaluate options to comply with the NPDES permit and associated enforcement orders.

As part of the Planning Grant, the Discharger determined that the preferred alternative to comply with their NPDES permit is the consolidation of the former East Quincy Community Services District (EQCSD) with existing Quincy Community Services District (QCSD) facility (hereinafter American Valley WWTP) followed by upgrades to the existing American Valley WWTP.

The Discharger is seeking two compliance pathways. One pathway is by acquiring mixing zone and dilution credits for ammonia, copper, and lead. The Discharger will

R5-2024-0523 - ATTACHMENT B COMPLIANCE PROJECT DESCRIPTION

conduct a mixing zone and dilution study (MZDS) once the new diffuser is constructed and creek improvements are completed in fall of 2016. Specifically, the Discharger will implement a restoration project in Spanish Creek consisting of stream-bed grading, boulder rock vane construction, and installation of a new permanent outfall diffuser. WDRs Order R5-2016-0049 contains a reopener provision to allow the permit to be reopened to allow a mixing zone should the Discharger provide adequate justification.

The second compliance pathway is to upgrade the Facility. The following components are included in the construction phase of the American Valley WWTP Improvements Project:

- New screenings and grit removal facility
- New influent flow measurement
- Primary flow equalization
- Eliminate existing RBCs, settling/polishing ponds (A-1, A-2, B-1, B-2), Emergency Pond
- New secondary treatment: Aero-Mod SEQUOX® Activated Sludge Biological Nutrient Removal (ASBNR) treatment process for nitrogen removal
- New blower and electrical building
- Secondary scum pump station
- Improvements to existing chlorine contact disinfection facilities
- New effluent outfall pipeline connecting the existing chlorine contact basins to the existing outfall diffuser in Spanish Creek
- Solids handling upgrades, including: a concrete lined sludge lagoon, solids transfer pump station, a solids screw press, polymer feed facilities, and solids conveyor in a new building, and a large sludge drying bed
- New plant drain pump station
- New potable water pump station
- New electrical utility feed, standby generator, and supervisory control and data acquisition system improvements

The proposed Compliance Project includes full facility upgrades, enabling enhanced nitrification and denitrification of wastewater prior to discharge, and facilitating direct discharge to Spanish Creek to avoid effluent quality issues observed with the current discharge flow path (through the facilities Emergency Pond). Effluent quality will be greatly improved, thus allowing more consistent compliance with NPDES permit requirements.

**R5-2024-0523 - ATTACHMENT B
COMPLIANCE PROJECT DESCRIPTION**

Water Body, Beneficial Use, and/or Pollutant Addressed by the Compliance Project:

This compliance project will benefit the North Fork Feather River watershed by improving effluent quality. The compliance project will allow the District to comply with its NPDES permit by reducing ammonia, BOD, chlorine, coliform, copper, pH, TSS, in the effluent that is discharged to Spanish Creek.

Estimated Cost of Compliance Project Completion:

The estimated project cost is substantially over the \$264,000 of total mandatory minimum penalties for effluent limitations violations. The District has identified funds available to cover the cost of the Compliance Project in various loans and cash contributions.

Compliance Project Milestones and Completion Dates:

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

Final Report:

No later than one year from the effective date of the Stipulated Order, the Discharger 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 \$264,000, and shall comply with the "Certification of Completion" provision in Section II of the Stipulated Order.