



Central Valley Regional Water Quality Control Board

5 May 2026

David Sheffield
Director – Safety, Health, & Environmental
Vulcan Materials Company
16013 E Foothill Blvd
Irwindale, CA 91702
sheffieldd@vmcmail.com

CERTIFIED MAIL
9589 0710 5270 3637 0407 67

OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT LETTER PROGRAM RELATING TO LIABILITY FOR EFFLUENT LIMITATION VIOLATIONS, EPL R5-2026-0515, CALMAT COMPANY DBA VULCAN MATERIALS COMPANY, SANGER SAND AND GRAVEL PLANT, FRESNO COUNTY, CIWQS PLACE ID 255546

The Calmat Company, doing business as Vulcan Materials Company (Discharger), discharges aggregate wash water from the Sanger Sand and Gravel Plant (Facility) to the Kings River. The Facility is regulated under the *National Pollutant Discharge Elimination System (NPDES) CAG995002, Order R5-2022-0006-02, Waste Discharge Requirements, Limited Threat Discharges to Surface Water* and associated *Notice of Applicability* (collectively, NPDES Permit). This Offer to Participate in the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) Expedited Payment Letter (EPL) Program (Conditional Offer) provides the Discharger with an opportunity to resolve mandatory minimum penalties (MMPs) for violations of the effluent limitations without a formal administrative civil liability complaint. The alleged MMP, in the amount of **six thousand dollars (\$6,000)**, represents the sum of accrued MMPs for effluent limitation violations specifically identified in the Record of Violations (Attachment A), attached hereto and incorporated herein by reference, that occurred between 1 January 2021 and 31 March 2024.

NOTICE OF VIOLATION AND RECORD OF VIOLATIONS

Based on the Discharger's self-monitoring reports, the Central Valley Water Board's Prosecution Team sent the Discharger a Notice of Violation (NOV) and Record of Violations (ROV) on 25 February 2026, notifying the Discharger of effluent limitation violations. The Central Valley Water Board's Prosecution Team provided the Discharger with an opportunity to review and contest the violations listed in the ROV. On 25 March 2026, Central Valley Water Board staff received a letter from David Sheffield, Director for Safety, Health, and the Environment for the Discharger, indicating that the Discharger was not contesting the violations listed in the ROV. Following the

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

Discharger's review of the NOV, the Central Valley Water Board's Prosecution Team confirmed that two of the five violations listed in Attachment A are subject to MMPs.

STATUTORY LIABILITY

Water Code sections 13385(h) and (i) require the assessment of an MMP of \$3,000 for each specified serious and chronic effluent limit violation. The Discharger may also be subject to discretionary administrative civil liabilities pursuant to Water Code section 13385(c) of up to \$10,000 for each day in which the violation occurs, and \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. These MMPs and discretionary administrative civil liabilities may be assessed by the Central Valley Water Board beginning with the date that the violations first occurred. The formal enforcement action that the Central Valley Water Board uses to assess such liability is an administrative civil liability complaint, although the Central Valley Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to \$25,000 for each day in which the violation occurs, and \$25 for each gallon discharged but not cleaned up in excess of 1,000 gallons.

SETTLEMENT OFFER

The Discharger can avoid the issuance of a formal enforcement action and settle the alleged violations identified in Attachment A by participating in the EPL Program.

To promote resolution of these violations, the Central Valley Water Board's Prosecution Team makes this Conditional Offer. The Central Valley Water Board's Prosecution Team proposes to resolve these violations without the issuance of a formal enforcement action through this Conditional Offer assessing **six thousand dollars (\$6,000)** in MMPs. If the Discharger accepts this proposal, subject to the conditions below, the Central Valley Water Board's Prosecution Team will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in Attachment A. Accordingly, the Central Valley Water Board's Prosecution Team will forego issuance of a formal administrative civil liability complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in Attachment A. The Conditional Offer does not address or resolve liability for any violation that is not specifically identified in Attachment A, regardless of the date that the violation occurred.

If the Discharger accepts this Conditional Offer, please complete, and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **5 June 2026**. The Acceptance and Waiver constitutes a settlement of the violations specifically identified in Attachment A.

CONDITIONS FOR CENTRAL VALLEY WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Central Valley Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Notice of this settlement will be published on the [Central Valley Water Board's](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) website (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/).

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Central Valley Water Board, the Executive Officer or designee will execute the Acceptance and Waiver as a Stipulated Order assessing the uncontested MMP amount pursuant to Water Code section 13385.

However, if significant comments are received in opposition to the settlement, this Conditional Offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will be void and the violations will be addressed in an administrative civil liability hearing. At the hearing, the Discharger will be free to make arguments to any of the alleged violations, and the Discharger's prior agreement to accept this Conditional Offer will be treated as a settlement communication and will not in any way be binding or used as evidence against the Discharger. The Discharger will be provided with further information on the administrative civil liability hearing process.

If the Discharger chooses to sign the Acceptance and Waiver, full payment of the assessed amount may be submitted with the waiver. However, full payment of the assessed amount shall be required no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Executive Officer. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **six thousand dollars (\$6,000)** liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time frame may subject the Discharger to further liability.

The Discharger shall indicate on the check the number of this EPL and send it to the State Water Resources Control Board, Accounting Office, Attn: **EPL R5-2026-0515** Payment, PO Box 1888, Sacramento, California, 95812-1888. The waiver and a copy of the check, with account numbers and routing information redacted, must also be submitted to the Central Valley Water Board via email at centralvalleyfresno@waterboards.ca.gov with a carbon copy (cc) to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

If you have any questions or comments regarding this Settlement Offer, please contact Jennifer Dolores at (559) 710-1034 or Jennifer.Dolores@waterboards.ca.gov.



For Patrick Pulupa
Executive Officer

Enclosures (2): Attachment A Record of Violations
Acceptance of Conditional Resolution and Waiver of Right to Hearing

cc via email: Elizabeth Aubuchon, U.S. EPA, Region 9, San Francisco
Christina Shupe, Assistant Executive Officer, Central Valley Water Board,
Fresno
Alex Olsen, Supervising Engineering Geologist, Central Valley Water
Board, Fresno
Jill Ghelerter, Supervising Engineering Geologist, Central Valley Water
Board, Fresno
Xuan Luo, Senior Water Resource Control Engineer, Central Valley Water
Board, Rancho Cordova

ATTACHMENT A TO SETTLEMENT OFFER NUMBER R5-2026-0515
Record of Violations Subject to Mandatory Minimum Penalties

CALMAT COMPANY DBA VULCAN MATERIALS COMPANY
SANGER SAND AND GRAVEL PLANT

RECORD OF VIOLATIONS (1 January 2021 – 31 March 2024) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2022-0006-02)

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

Table A. Violations Subject to Mandatory Penalties

#	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID	MMP Amount
1	25-Jan-23	pH	SU	6.5	5.24	Instantaneous	OEV	NCHRON	1140782	\$0
2	27-Feb-23	pH	SU	6.5	6.23	Instantaneous	OEV	NCHRON	1140783	\$0
3	28-Mar-23	Total Suspended Solids	mg/L	20.0	25.0	Daily Maximum	CAT 1	NCHRON	1116053	\$0
4	28-Mar-23	Total Suspended Solids	mg/L	10.0	25.0	Monthly Average	CAT 1	SIG	1116052	\$3,000
5	30-Apr-23	Total Suspended Solids	mg/L	10.0	16.0	Monthly Average	CAT 1	SIG	1118680	\$3,000

Total Mandatory Minimum Penalty = \$6,000

ATTACHMENT A TO SETTLEMENT OFFER NUMBER R5-2026-0515
Record of Violations Subject to Mandatory Minimum Penalties

Table B. Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CIWQS	California Integrated Water Quality System database. https://www.waterboards.ca.gov/water_issues/programs/ciwqs/
Measured mg/L	Reported value for the monitoring period by the Dischargers. Milligrams per liter.
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: 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.
SU	Standard units.

**Offer to Participate in Expedited Payment Letter Program
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**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; ORDER**

Calmat Company dba Vulcan Materials Company
EPL R5-2026-0515

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board), Calmat Company doing business as Vulcan Materials Company (Discharger) hereby accepts the "Offer to Participate in the Expedited Payment Letter Program" (Conditional Offer), incorporated herein by reference, and waives the right to a hearing before the Central Valley Water Board to dispute the allegations of violations described in Attachment A to the Conditional Offer.

The Discharger agrees that the Conditional Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Central Valley Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the penalties required by California Water Code section 13385(h) and/or (i), in the sum of \$6,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the ROV. The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in Attachment A and the amount of civil liability assessed for the violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Attachment A.

Upon execution by the Discharger, the completed Acceptance and Waiver shall be returned via email to centralvalleyfresno@waterboards.ca.gov with a carbon copy (cc) to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Valley Water Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Central Valley Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Central Valley Water Board Executive Officer to question the Expedited Payment Amount, the Central Valley Water Board Executive Officer or designee will execute this Acceptance and Waiver.

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Central Valley Water Board to

Offer to Participate in Expedited Payment Letter Program
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resolve the violations set forth in the ROV may be withdrawn. In that circumstance, the Discharger will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Central Valley Water Board. For such a liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once the Acceptance and Waiver is executed by the Central Valley Water Board's Executive Officer or designee, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$6,000** liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The Discharger may choose to submit the full payment with the Waiver. However, the payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Central Valley Water Board Executive Officer or designee.

Please mail the check to:

State Water Resources Control Board, Accounting Office
Attn: EPL R5-2026-0515 Payment
PO Box 1888
Sacramento, California, 95812-1888

The Discharger shall also provide a copy of the waiver form and check (with account numbers and routing information redacted) via email to the Central Valley Water Board at centralvalleyfresno@waterboards.ca.gov with a cc to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

The Discharger's acceptance of the conditional offer and payment of the settlement amount is not an admission of liability, but Discharger understands that this Stipulated Order may be used as evidence of a prior "history of violations" consistent with Water Code sections 13327 and 13385, subdivision (e).

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I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

Calmat Company dba Vulcan Materials Company

BY: Original signed by David C. Sheffield
Signed Name

15 May 2026
Date

David C. Sheffield
Printed or Typed Name

15 May 2026
Date

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____
For Patrick Pulupa
Executive Officer

Date