

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

In the Matter of:

**California Department of Parks and
Recreation
Empire Mine State Historic Park
Nevada County**

ORDER R5-2025-0526

**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), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the California Department of Parks and Recreation (Discharger) (collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegatee, 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 Empire Mine State Historic Park (Facility). Treated groundwater from the Facility is discharged to the Magenta Drain Channel, a tributary to South Fork Wolf Creek and a water of the United States.
3. In order to regulate discharges from the Facility, on 14 October 2016, the Board adopted Waste Discharge Requirements for Limited Threat Discharges to Surface Waters General Order R5-2016-0076-01 (NPDES Permit No. CAG995002). On 17 February 2022, the Central Valley Water Board rescinded and replaced WDRs R5-2016-0076-01 with WDRs R5-2022-0006, which became effective on 1 April 2022. The Discharger is automatically enrolled under WDRs R5-2022-0006. The Discharger is assigned General Order enrollee number R5-2016-0076-005, which became effective on 09 June 2017 and was amended on 22 November 2017.
4. Notice of Applicability (NOA) R5-2016-0076-005, Effluent Limitations, A.1.b.i includes the following effluent limitation at the monitoring location EFF-001
 - i. The pH of all discharges within the Sacramento and San Joaquin River Basins (except Goose Creek in Modoc County) shall at all times be within the range of 6.5 and 8.5.
5. NOA R5-2016-0076-005, Effluent Limitations, Tables 4 and 5, include the following effluent limitations at the monitoring location EFF-001:

Table 4. Effluent Limitations for Constituents and Parameters of Concern

Parameter	Units	Effluent Limitations	
		MUN	
		Average Monthly	Maximum Daily
Iron, Total Recoverable	µg/L	470	930
Manganese, Total Recoverable	µg/L	80	160

Table 5. Effluent Limitations for Priority Pollutants

Parameter	Units	Effluent Limitations	
		MUN	
		Average Monthly	Maximum Daily
Arsenic, Total Recoverable	µg/L	10	20

6. On 05 April 2024, Central Valley Water Board staff issued the Discharger a Notice of Violation (NOV) and draft Record of Violations (ROV) for effluent limitation violations which occurred from 01 July 2019 through 31 December 2023. The Discharger responded on 26 April 2024 to the ROV and agreed with the violations. On 18 March 2025, Central Valley Water Board staff issued a revised ROV which alleged additional violations based on review of monitoring data through 31 December 2024. The Discharger submitted a response on 01 April 2025 and agreed with the violations.
7. This Order imposes administrative civil liability (ACL) for effluent limitation violations that occurred between 01 July 2019 and 31 December 2024. These violations are specifically identified in Attachment A, Record of Violations, to this Order as subject to mandatory minimum penalties (MMPs). Attachment A to this Order is attached hereto and incorporated herein by reference.
8. 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

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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.

9. According to the Discharger's self-monitoring reports, the Discharger committed sixteen (16) serious Category 1 and Category 2 violations and twenty (20) non-serious violations of the above effluent limitations contained in WDRs Orders R5-2016-0076 and R5-2022-0006 as shown in Attachment A. The sixteen serious violations and nineteen (19) of the non-serious violations are subject to MMPs 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.

10. The total amount of the MMPs assessed for the alleged effluent violations is **one hundred five thousand dollars (\$105,000)**. As stated herein, a detailed list of the alleged effluent limitation violations is included in Attachment A. This Order addresses the violations that are specifically identified in Attachment A as subject to MMPs.

11. Water Code section 13385, subdivision (l) states:

- (1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).
- (2) For the purposes of this section, a "supplemental environmental project" means an environmentally beneficial project that a person agrees to undertake,

with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.

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 delegatee, 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 ACL in the amount of **one hundred five thousand dollars (\$105,000)** in MMPs against the Discharger.
13. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein and that this Stipulated Order is in the best interest of the public.

III. Stipulations

The Parties stipulate to the following:

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 hereby agrees to the imposition of an ACL in the amount of one hundred five thousand dollars (\$105,000) by the Central Valley Water Board to resolve the violations specifically alleged in Attachment A to this Order.
 - b. The State Water Board's May 3, 2018 Policy on Supplemental Environmental Projects (SEP Policy) section VIII.B. provides: Unless otherwise permitted by statute or approved by the Director of [the Office of Enforcement (OE)] based on a finding of compelling justification due to exceptional circumstances, no settlement shall be approved by the Water Boards that fund a SEP in an amount greater than 50 percent of the total adjusted monetary assessment against the settling party. The total adjusted monetary assessment is the total amount assessed, exclusive of a Water Board's investigative and enforcement costs. The Director of OE may approve a proposed settlement to fund a SEP in an amount greater than 50 percent of the total adjusted monetary assessment in cases where the SEP is located in or benefits a disadvantaged community, an environmental justice community, a community that has a financial hardship, or where the SEP substantially furthers the human right to water. Pursuant to the Director of OE's April 30, 2021 (revised August 8, 2023) memorandum on approving disadvantaged community and environmental justice SEPs greater than 50 percent of the total monetary

liability, more than 50 percent of the total monetary liability here may be dedicated to the SEP described in Attachment B because the SEP is located in and/or benefits a disadvantaged community. The proposed project is located along East Bennett Street, Grass Valley, CA at Empire Mine State Historic Park. This location is in a “Disadvantaged Community” in Census Tract 000602, Nevada County, according to the Disadvantaged Community mapper tool (<https://gis.water.ca.gov/app/dacs/>).

The Prosecution Team provided written notification of the SEP to the Director of OE and obtained approval for the SEP to exceed 50 percent of the administrative civil liability. Therefore, the entire administrative civil liability amount of one hundred five thousand dollars (\$105,000) (hereinafter, SEP Amount) shall be directed to the SEP identified in Paragraph 17 below.

16. Representations and Agreements: The Discharger agrees that the completion of the SEPs described in Paragraph 17, below, is a material condition of this settlement of liability between the Discharger and the Central Valley Water Board Prosecution Team. As a material consideration for the Central Valley Water Board’s acceptance of this Stipulated Order, the Discharger represents and agrees that it will spend the SEP Amount and complete the SEPs as described herein and in Attachment B. Discharger shall not be liable for Central Valley Water Board administrative and oversight costs associated with the SEPs described in Attachment B.

17. Supplemental Environmental Project (SEP) and Suspended Liability: The South Fork Wolf Creek Riparian and Wetland Restoration Project (Project) will restore over three acres of native riparian and wetland habitat within the Bennett Street Grasslands at Empire Mine State Historic Park. Over a three-year period, non-native invasive plants such as Himalayan blackberry, English ivy, and other weedy species will be manually removed without disturbing the soil. This work will enhance native plant communities (such as arroyo willow, Oregon ash, sedges, and Baltic rush) by reducing competition and allowing natural regeneration. Special focus will be given to supporting native and rare species like showy milkweed (critical for Monarch butterflies), trailing blackberry, giant checkerbloom, and Sierra brodiaea. Methods include using hand tools to cut invasive plants before seed-set, leaving debris as mulch to protect soils and prevent erosion. Work will be completed by State Park staff and trained crews, following strict environmental protection measures including wildlife surveys and photo monitoring.

The Project is expected to improve the beneficial uses of South Fork Wolf Creek, a designated “water of the state,” by enhancing native riparian and wetland plant communities. This will increase native plant diversity, boost biodiversity, and improve habitat for both terrestrial and aquatic wildlife. According to the Sacramento and San

Joaquin Basin Plan, Wolf Creek's beneficial uses include wildlife habitat and both cold and warm freshwater habitat. By restoring native riparian vegetation, the project supports these beneficial uses and contributes to healthier freshwater ecosystems in the Bear River Watershed.

18. **SEP Completion Deadline:** The Discharger shall complete all SEP requirements by **31 January 2029**. Additionally, the Discharger shall submit a Final Report upon the completion of the SEP by **28 February 2029** declaring such completion and detailing fund expenditures and goals achieved. The Final Report submission deadlines are outlined in Paragraph 24 and Attachment B.
19. **Extension of the Implementation Schedule Deadlines:** If the Discharger cannot meet any of the deadlines or the Completion Deadline contained in Attachment B to this Order due to circumstances beyond the Discharger's anticipation or control, the Discharger shall notify the Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstance that caused or could cause a violation of this Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall adopt all reasonable measures to avoid and minimize such delays. The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the Discharger, a new compliance deadline may be established and this Order revised accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.
20. **Supplemental Environmental Project Oversight:** The Discharger will oversee implementation of the SEP.
21. **Third Party Financial Audit of SEP:** At the written request of the Central Valley Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Central Valley Water Board providing such party's(ies') professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to the Central Valley Water Board within three (3) months of notice from the Central Valley Water Board to the Discharger of the need for an independent third-party audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.

22. Failure to Expend the Entire Suspended Liability on the Approved SEP: In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Central Valley Water Board that the entire Suspended Liability has been spent for the completed SEP, the Discharger shall pay an ACL of the difference between the Suspended Liability and the amount the Discharger can demonstrate was actually spent on the SEP. The Discharger shall be liable to pay the State Water Board Cleanup and Abatement Account this amount within 30 days of receipt of notice of the Central Valley Water Board's determination that the Discharger failed to demonstrate that the entire Suspended Liability was spent to complete the SEP.

23. Failure to Complete the SEP: Except as provided for in Paragraph 19, if the SEP as described in Attachment B to this Order is determined to be infeasible, or if the Discharger fails to complete the SEP by the deadline contained in Attachment B to this Order, the Central Valley Water Board shall issue an invoice to the Discharger in the amount of one hundred five thousand dollars (\$105,000), plus any SEP oversight costs incurred. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this suspended liability within 30 days of receipt of the invoice.

24. Certification of Completion of the SEP: On or before **28 February 2029**, the Discharger shall provide a certified statement of completion of the SEP (Certification of Completion). The Certification of Completion shall be submitted by a responsible official under penalty of perjury under the law of the state of California, to the Central Valley Water Board contact identified in Paragraph 28. The Certification of Completion shall include the following:

- a. Certification that the SEP has been completed in accordance with the terms of this Stipulated Order. Such documentation must include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Central Valley Water Board to evaluate the completion of the SEP and the costs incurred by the Discharger.
- b. Certification documenting the expenditures by the Discharger during the completion period for the SEP. Expenditures may include but are not limited to, payments to outside vendors or contractors implementing the SEP. The Discharger shall provide any additional information requested by Central Valley Water Board staff that is reasonably necessary to verify SEP expenditures.
- c. Certification that the Discharger followed all applicable environmental laws and regulations in the implementation of the SEP including but not limited to, the California Environmental Quality Act (CEQA), the federal Clean Water Act, and the Porter-Cologne Act.

25. Completion of the SEP to the Central Valley Water Board's Satisfaction: Upon the Discharger's satisfaction of its SEP obligations under this Stipulated Order, and any audit requested by the Central Valley Water Board, Central Valley Water Board

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staff shall send the Discharger a letter recognizing satisfactory completion of its obligations under the SEP. Receipt of this letter shall terminate any further SEP obligations of the Discharger and result in the dismissal of the Suspended Liability.

26. Publicity: Whenever the Discharger or its agents or subcontractors publicizes one or more elements of the SEP, it shall state in a prominent manner that the SEP is being undertaken as part of the settlement of an enforcement action by the Central Valley Water Board against the Discharger.

27. 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.

28. Party Contacts for Communications Related to Stipulated Order:

For the Central Valley Water Board:
Xuan Luo, Ph.D., P.E.
Senior Water Resources Control Engineer
NPDES/Forest Activities Compliance and Enforcement
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4606
Xuan.Luo@waterboards.ca.gov

For the Discharger:

Brian Dewey
Assistant Deputy Director
Northern Service Center
California Department of Parks and Recreation
2241 Harvard St, Suite 200
Sacramento, CA 95815
(279) 499-1209

Brian.Dewey@parks.ca.gov

29. 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.

30. **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 delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegate, 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 delegate. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
31. **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.
32. **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.
33. **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.
34. **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.
35. **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 delegate.
36. **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.

37. 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.

38. 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 except if the Order does not take effect as described in paragraph 37.

39. 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 Board, and further waives the rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

40. 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.

41. 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,

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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.

- 42. 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.
- 43. 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.
- 44. 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.
- 45. Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
- 46. Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegatee, enters the Order.
- 47. 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.

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IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: Original Signed By
John J. Baum
Assistant Executive Officer

12/17/2025
Date

California Department of Parks and Recreation

By: Original Signed By
Brian Dewey
Assistant Deputy Director

12/23/2025
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
Central Valley Regional Water Quality
Control Board

Date

Attachment A: Record of Violations
Attachment B: Supplemental Environmental Project Description

Attachment A: Record of Violations ACLO R5-2025-0526

**CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
EMPIRE MINE STATE HISTORIC PARK**

RECORD OF VIOLATIONS (1 July 2019 - 31 December 2024) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2016-0076 and R5-2022-0006)

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

#	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID	MMP Amount
1	1/31/2023	Manganese, Total Recoverable	µg/L	80	200	Average Monthly	CAT 1	SIG	1115762	\$3,000
2	1/31/2023	Manganese, Total Recoverable	µg/L	160	200	Daily Maximum	CAT 1	NCHRON	1115758	0
3	3/16/2023	Manganese, Total Recoverable	µg/L	160	510	Daily Maximum	CAT 1	SIG	1115761	\$3,000
4	3/29/2023	Manganese, Total Recoverable	µg/L	160	250	Daily Maximum	CAT 1	SIG	1119303	\$3,000
5	3/31/2023	Arsenic, Total Recoverable	µg/L	10	11	Average Monthly	CAT 2	CHRON	1115759	\$3,000
6	3/31/2023	Manganese, Total Recoverable	µg/L	80	380	Average Monthly	CAT 1	SIG	1115760	\$3,000
7	4/27/2023	Iron, Total Recoverable	µg/L	930	1200	Daily Maximum	CAT 1	CHRON	1118968	\$3,000
8	4/27/2023	Manganese, Total Recoverable	µg/L	160	530	Daily Maximum	CAT 1	SIG	1118966	\$3,000
9	04/30/2023	Arsenic, Total Recoverable	µg/L	10	19	Average Monthly	CAT 2	SIG	1118967	\$3,000
10	04/30/2023	Iron, Total Recoverable	µg/L	470	1200	Average Monthly	CAT 1	SIG	1118970	\$3,000
11	04/30/2023	Manganese, Total Recoverable	µg/L	80	530	Average Monthly	CAT 1	SIG	1118969	\$3,000

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Attachment A

California Department of Parks and Recreation

#	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID	MMP Amount
12	10/04/2023	pH	SU	8.5	8.6	Daily Maximum	OEV	CHRON	1123589	\$3,000
13	10/12/2023	pH	SU	8.5	8.8	Daily Maximum	OEV	CHRON	1123595	\$3,000
14	10/16/2023	Manganese, Total Recoverable	µg/L	160	260	Daily Maximum	CAT 1	SIG	1123590	\$3,000
15	10/25/2023	pH	SU	8.5	8.7	Daily Maximum	OEV	CHRON	1123596	\$3,000
16	10/31/2023	Manganese, Total Recoverable	µg/L	80	260	Average Monthly	CAT 1	SIG	1123591	\$3,000
17	10/31/2023	pH	SU	8.5	8.9	Daily Maximum	OEV	CHRON	1123597	\$3,000
18	11/08/2023	pH	SU	8.5	8.7	Daily Maximum	OEV	CHRON	1123582	\$3,000
19	11/16/2023	pH	SU	8.5	8.7	Daily Maximum	OEV	CHRON	1123583	\$3,000
20	11/20/2023	pH	SU	8.5	8.9	Daily Maximum	OEV	CHRON	1123598	\$3,000
21	11/29/2023	pH	SU	8.5	8.6	Daily Maximum	OEV	CHRON	1123599	\$3,000
22	11/30/2023	Manganese, Total Recoverable	µg/L	80	100	Average Monthly	CAT 1	CHRON	1123592	\$3,000
23	12/05/2023	pH	SU	8.5	9.4	Daily Maximum	OEV	CHRON	1123585	\$3,000
24	12/11/2023	Manganese, Total Recoverable	µg/L	160	220	Daily Maximum	CAT 1	CHRON	1123588	\$3,000
25	12/11/2023	Iron, Total Recoverable	µg/L	470	500	Average Monthly	CAT 1	CHRON	1123587	\$3,000
26	12/11/2023	pH	SU	8.5	9.0	Daily Maximum	OEV	CHRON	1123586	\$3,000
27	12/20/2023	pH	SU	8.5	8.9	Daily Maximum	OEV	CHRON	1123601	\$3,000
28	12/29/2023	pH	SU	8.5	9.0	Daily Maximum	OEV	CHRON	1123594	\$3,000
29	12/31/2023	Manganese, Total Recoverable	µg/L	80	220	Average Monthly	CAT 1	SIG	1123579	\$3,000
30	01/31/2024	Manganese, Total Recoverable	µg/L	80	340	Average Monthly	CAT 1	SIG	1126548	\$3,000
31	01/31/2024	Manganese, Total	µg/L	160	340	Daily Maximum	CAT 1	SIG	1126543	\$3,000

Stipulated Administrative Civil Liability Order R5-2025-0526

Attachment A

California Department of Parks and Recreation

#	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID	MMP Amount
		Recoverable								
32	1/31/2024	pH	SU	8.5	8.7	Daily Maximum	OEV	CHRON	1126542	\$3,000
33	2/28/2024	Manganese, Total Recoverable	µg/L	80	230	Average Monthly	CAT 1	SIG	1126545	\$3,000
34	2/28/2024	Manganese, Total Recoverable	µg/L	160	230	Daily Maximum	CAT 1	SIG	1126546	\$3,000
35	6/27/2024	Arsenic, Total Recoverable	µg/L	10	12	Average Monthly	CAT 2	SIG	1130232	\$3,000
36	6/27/2024	Manganese, Total Recoverable	µg/L	80	90	Average Monthly	CAT 1	CHRON	1130231	\$3,000

Total Mandatory Minimum Penalty = \$105,000

Attachment A: Record of Violations ACLO R5-2025-0526

Table B. Definitions

Abbreviation	Description
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	California Integrated Water Quality System database. https://www.waterboards.ca.gov/water_issues/programs/ciwqs/
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 Dischargers.
MMP Type	Classification of the type of MMP violation.
Occurrence 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.

Attachment B: Supplemental Environmental Project (SEP)

1. Project Title: South Fork Wolf Creek Riparian and Wetland Restoration Project

2. Geographic Area of Interest: East Bennett Street, Grass Valley, California. Bennett Street Grasslands is located at Empire Mine State Historic Park.

3. Name of Responsible Entity: California Department of Parks and Recreation

4. Contact Information:

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5. Project Goals and Description: The South Fork Wolf Creek Riparian and Wetland Restoration Project (Project) will restore over three acres of native riparian and wetland habitat within the Bennett Street Grasslands at Empire Mine State Historic Park. Over a three-year period, non-native invasive plants such as Himalayan blackberry, English ivy, and other weedy species will be manually removed without disturbing the soil. This work will enhance native plant communities (such as arroyo willow, Oregon ash, sedges, and Baltic rush) by reducing competition and allowing natural regeneration. Special focus will be given to supporting native and rare species like showy milkweed (critical for Monarch butterflies), trailing blackberry, giant checkerbloom, and Sierra brodiaea. Methods include using hand tools to cut invasive plants before seed-set, leaving debris as mulch to protect soils and prevent erosion. Work will be completed by State Park staff and trained crews, following strict environmental protection measures including wildlife surveys and photo monitoring.

The Project is expected to improve the beneficial uses of South Fork Wolf Creek, a designated “water of the state,” by enhancing native riparian and wetland plant communities. This will increase native plant diversity, boost biodiversity, and improve habitat for both terrestrial and aquatic wildlife. According to the Sacramento and San Joaquin Basin Plan, Wolf Creek’s beneficial uses include wildlife habitat and both cold and warm freshwater habitat. By restoring native riparian vegetation, the project supports these beneficial uses and contributes to healthier freshwater ecosystems in the Bear River Watershed.

The Project includes the following tasks:

- i. Establishing photo-monitoring points at two riparian areas and one wetland area;
- ii. Conducting pre-project and annual wildlife surveys (to support nest avoidance during project activities);
- iii. Removing non-native vegetation using weed-eaters and brush cutters; and
- iv. Preparing project reports and conducting evaluations.

6. **Estimated Cost of Project Completion:** The entire settlement amount of \$105,000 will be allocated towards the South Fork Wolf Creek Riparian and Wetland Restoration Project.

7. **Water body, beneficial use and/or pollutant addressed:** The project is expected to benefit and improve the beneficial uses of South Fork Wolf Creek by enhancing native riparian and wetland plant communities, increasing native plant species richness, improving biodiversity and associated wildlife habitat including terrestrial and aquatic organisms.

8. **Compliance with SEP Criteria**

- a. **Above and Beyond Discharger's Obligations**
The Discharger currently has no obligation to conduct this riparian and wetland restoration.
- b. **No Benefit to the Water Board Functions, Members, or Staff**
This project would not benefit any Water Board Functions, Members or Staff.
- c. **Project Maintenance**
The Discharger will be responsible for the maintenance and upkeep of the project.
- d. **Documented Support**
None documented at this time.
- e. **Project Milestones, Schedule, and Budget.** The Discharger will provide quarterly project reports. The project starts after this Stipulated Order is issued and is expected to be completed by 31 January 2029.

The total cost of the project is \$105,000. The estimated costs by task are:

- Task 1 – Establishing photo monitoring locations – \$1,000
- Task 2 – Pre-project and annual wildlife surveys - \$9,000
- Task 3 – Removal of non-native vegetation - \$65,000
- Task 4 – Annual reporting and evaluation - \$30,000

f. Final Post-Project Accounting of Expenditures

The Discharger will submit a final, post-project accounting of expenditures to the Regional Board.

g. Extension if Necessary

If the Discharger cannot meet the SEP Completion Deadline due to circumstances beyond its anticipation or control, the Discharger or its designated representative shall notify the Executive Officer in writing within thirty (30) days of the date any of the Discharger first knew of the event or circumstance that caused or could have caused a violation of this Stipulated Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance with this Stipulated Order. The Discharger shall adopt all reasonable measures to avoid and minimize such delays.

h. Reports to the Water Board

Quarterly Progress Report

The Discharger will submit quarterly progress reports documenting progress made on the SEP. The quarterly reports will be due on the last day of the month following the end of each quarter, beginning in the First Quarter 2026. Quarterly progress reports shall summarize project expenditures and describe the work completed during the preceding quarter.

Final Report

Following SEP completion, the Discharger will submit a Final Report documenting distribution of funds. The Final Report shall be submitted to the Regional Water Board no later than 28 February 2029.

Third Party Oversight Organization

None anticipated at this time.