

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

AMENDED ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2023-0056A

**IN THE MATTER OF
THE LOLETA WASTEWATER TREATMENT FACILITY
LOLETA, HUMBOLDT COUNTY**

This amended Administrative Civil Liability Complaint (Complaint) is issued by the Assistant Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) to the Loleta Community Services District (Discharger) for violations of effluent limitations contained in Waste Discharge Requirements (WDRs) Orders No. R1-2014-0013 and R1-2020-0002, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023671, for which the Regional Water Board may impose civil liability pursuant to Water Code section 13385. The Regional Water Board's Executive Officer has delegated their authority under Water Code section 13323 to issue this Complaint to the Assistant Executive Officer.

1. The Discharger owns and operates the Loleta Wastewater Treatment Facility (Facility) located at 2656 Eel River Drive, Loleta, California, in Humboldt County. Primary wastewater treatment consists of a headworks with a manual coarse screen, a 78,000-gallon concrete aeration basin, a 43,000-gallon secondary clarifier, a chlorine contact chamber, and chlorine gas and sulfur dioxide flow-proportioning equipment. Effluent is discharged, via a subsurface pipe at Discharge Point 001, to a wetland located approximately 0.66 miles southwest and downgradient from the Facility. The wetland is tributary to Ropers Slough, a slough that discharges directly to the Eel River during wet weather conditions.
2. The Regional Water Board adopted WDRs Order No. R1-2014-0013 (2014 NPDES Permit) on May 8, 2014, and it became effective on June 1, 2014. The 2014 NPDES Permit requires, among other things, compliance with effluent limitations at Discharge Point 001.
3. Section IV.A.1 of the 2014 NPDES Permit contains, in part, the following effluent limitations for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), pH, Settleable Solids, Coliform (Total Bacteria), Chlorine (Total Residual), Copper (Total Recoverable), Chlorodibromomethane (CDBM), Dichlorobromomethane (DCBM), and Nitrate with which the Discharger is required to maintain compliance at Discharge Point 001:

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Order No.	Parameter	Units	Instantaneous Minimum	Instantaneous Maximum
R1-2014-0013	pH	Standard Units	6.5	8.5
R1-2014-0013	Chlorine	mg/L	--	< 0.1

Order No.	Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
R1-2014-0013	BOD	mg/L	30	45	--
R1-2014-0013	TSS	mg/L	30	45	--
R1-2014-0013	Settleable Solids	ml/L	0.10	--	0.20
R1-2014-0013	Coliform	MPN/100 mL	23	--	230
R1-2014-0013	Copper	µg/L	7.6	--	15.3
R1-2014-0013	CDBM	µg/L	0.40	--	0.80
R1-2014-0013	DCBM	µg/L	0.56	--	1.12
R1-2014-0013	Nitrate	mg/L	10	--	20.1

4. The Regional Water Board adopted Cease and Desist Order No. R1-2015-0008 (CDO R1-2015-0008) on March 12, 2015, and it became effective immediately. In part, CDO R1-2015-0008 granted Loleta Community Services District (Loleta CSD) interim effluent limitations with which the Discharger is required to maintain compliance at Discharge Point 001 (shown in the table below). The Interim effluent limitations set forth in CDO R1-2015-0008 only require an Average Monthly analysis for the parameters listed in the table below and all Daily Maximum and Average Weekly violations are considered exempt.

Order No.	Parameter	Units	Average Monthly
R1-2015-0008	Copper	µg/L	18.4
R1-2015-0008	CDBM	µg/L	4.22
R1-2015-0008	DCBM	µg/L	20.8
R1-2015-0008	Nitrate	mg/L	32.6

5. The Regional Water Board adopted WDRs Order No. R1-2020-0002 (2020 NPDES Permit) on April 16, 2020, and it became effective on June 1, 2020. The 2020 NPDES Permit requires, among other things, compliance with effluent limitations at Discharge Point 001 and monitoring and reporting requirements.

6. The Monitoring and Reporting Program, Attachment E, Section X, Table E-10 of the 2020 NPDES Permit contains, in part, the following monitoring periods and reporting schedule with which the Discharger is required to maintain compliance:

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	First day of second calendar month following the end of each quarter (February 1, May 1, August 1, November 1)
Monthly	First day of calendar month following permit effective date if that date is first day of the month	First day of calendar month through last day of calendar month	First day of second calendar month following the end of each quarter (February 1, May 1, August 1, November 1)
Once per Permit Term	Permit effective date	All	March 1 following the year that monitoring is completed (with Annual Report) and at least 180 days prior to permit expiration
Twice per Permit Term	Permit effective date	All	March 1 following the year that monitoring is completed (with Annual Report) and at least 180 days prior to permit expiration

Table Note:
 1. Quarterly monitoring periods are as follows: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

7. Section IV.A.1 of the 2020 NPDES Permit contains, in part, the following effluent limitations for BOD, pH, TSS, Settleable Solids, Chlorine (Total Residual), Copper (Total Recoverable), CDBM, DCBM, Ammonia Impact Ratio, Nitrate Nitrogen (Total), and Total Dissolved Solids (TDS) with which the Discharger is required to maintain compliance at Discharge Point 001:

Order No.	Parameter	Units	Instantaneous Minimum	Instantaneous Maximum
R1-2020-0002	pH	Standard Units	6.5	8.5

Order No.	Parameter	Units	Average Monthly	Average Weekly	Daily Maximum
R1-2020-0002	BOD	mg/L	30	45	--
R1-2020-0002	TSS	mg/L	30	45	--
R1-2020-0002	Settleable Solids	ml/L	0.10	--	0.20
R1-2020-0002	Chlorine	mg/L	0.01	--	0.02
R1-2020-0002	Copper	µg/L	8.9	--	14
R1-2020-0002	CDBM	µg/L	0.40	--	1.0
R1-2020-0002	DCBM	µg/L	0.56	--	1.3
R1-2020-0002	Ammonia Impact Ratio	%	1	--	1
R1-2020-0002	Nitrate	mg/L	10	--	--
R1-2020-0002	Total Dissolved Solids	mg/L	500	--	--

8. The Regional Water Board adopted Time Schedule Order No. R1-2020-0003 (TSO R1-2020-0003) on April 29, 2020, and it became effective on June 1, 2020. In part, TSO R1-2020-0003 granted Loleta CSD interim effluent limitations with which the Discharger is required to maintain compliance at Discharge Point 001 (shown in the table below). The Interim effluent limitations set forth in the TSO R1-2020-0003 only require an Average Monthly analysis for the parameters listed in the table below (interim limits are expressed as Average Monthly limits, while all Daily Maximum and Average Weekly violations are considered not applicable during the term of TSO R1-2020-0003).

Order No.	Parameter	Units	Average Monthly
R1-2020-0003	Copper	µg/L	23.0
R1-2020-0003	CDBM	µg/L	5.90
R1-2020-0003	DCBM	µg/L	31.0
R1-2020-0003	Nitrate	mg/L	54.0
R1-2020-0003	TDS	mg/L	878

ALLEGATIONS:

9. Discharger's Self-monitoring reports (SMRs) show it violated the above-referenced effluent limitations set forth in the 2014 NPDES Permit, the 2015 CDO, the 2020 TSO, and the 2020 NPDES Permit on one hundred and sixty-nine (169) occasions between March 15, 2018, through March 31, 2024, as identified in Exhibit A. Additionally, the Discharger failed to file seven (7) discharge monitoring reports within thirty (30) days of the deadline as specified in the 2020 NPDES Permit and identified in Exhibit B. The seven (7) late reports were submitted between 21 and 372 days past the deadline, which subjects the Discharger to a Mandatory Minimum Penalty (MMP) of \$3,000 per each period of thirty (30) days, pursuant to Water Code section 13385.1, subdivision (a)(1). Exhibits A and B are attached hereto and are incorporated herein by this reference. This Complaint only addresses administrative civil liability for the violations specifically identified in Exhibits A and B, which are subject to MMPs under Water Code section 13385 (h) and/or (i) as well as Water Code section 13385.1 subdivision (a)(1).

LEGAL FRAMEWORK FOR DETERMINATION OF LIABILITY:

10. Water Code section 13376 prohibits the discharge of pollutants in violation of effluent limitations set forth in WDRs.
11. Water Code section 13385 (h)(1) requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each serious violation.
12. Water Code section 13385 (h)(2) defines a "serious violation" as "any waste discharge that violates the effluent limitations contained in the applicable [WDRs] 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."
13. Water Code section 13385 (i)(1) also requires the Regional Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a period of six consecutive months:
 - 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; or
 - d. Violates a toxicity effluent limitation contained in the applicable WDRs where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.
14. Water Code section 13385 (i)(2) defines a "period of six consecutive months" to mean "the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date."

PROPOSED ADMINISTRATIVE CIVIL LIABILITY ASSESSMENT:

15. The Assistant Executive Officer proposes the Discharger be assessed a MMP of **Six hundred and eighteen thousand dollars (\$618,000)** for exceeding the effluent limitations set forth in the 2014 and 2020 NPDES Permits and late submissions of discharge monitoring reports as identified in Exhibits A and B.

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

16. The Assistant Executive Officer of the Regional Water Board proposes a total administrative civil liability amount of **\$618,000** based on the violations in Exhibits A and B.
17. The Regional Water Board will hold a hearing on this Complaint during the Board meeting scheduled on February 5, 6 and 7, 2025. The meeting is tentatively scheduled to take place in the City of Santa Rosa in Sonoma County, California, at a location to be announced, or at a location posted on the [Regional Water Board's website](#), unless the Discharger does one of the following by the deadline to submit the Waiver Form, which will be specified in the Notice of Public Hearing and Hearing Procedures that will subsequently be issued by the Advisory Team:
 - a. Waive the right to a hearing before the Regional Water Board and pay the proposed MMP of **\$618,000** in full;
 - b. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to engage the Regional Water Board Prosecution Team in settlement negotiations; or
 - c. Waive the right to a hearing before the Regional Water Board within 90 days after service of this Complaint to extend the hearing date and/or hearing deadlines and allow additional time to prepare for hearing.
18. To select one of the waiver options identified above, the Discharger must complete the enclosed Waiver Form and submit it to the Regional Water Board Advisory Team. If the Discharger has questions about the Waiver Form or wishes to request an extension, it should contact the Regional Water Board Advisory Team.

All submittals and communications to the Advisory Team shall be sent to:

Advisory Team

Valerie Quinto
Executive Officer
Regional Water Quality Control Board
North Coast Region
Valerie.Quinto@waterboards.ca.gov

Nathan Jacobsen

Loleta Wastewater Treatment Facility
Amended Administrative Civil Liability Complaint No. R1-2023-0056A

Attorney IV
Office of Chief Counsel
State Water Resources Control Board
(916) 341-5181
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19. If a hearing is held, it will be governed by the Notice of Public Hearing and Hearing Procedures that will be provided by the Regional Water Board Advisory Team.
20. During the hearing, the Regional Water Board will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.
21. Issuance of this Complaint is an enforcement action and is, therefore, exempt from the California Environmental Quality Act (Pub. Resources and Code section 21000 *et seq.*), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

Claudia E. Villacorta, P.E.
Assistant Executive Officer

Attachments:

1. Exhibit A: List of Violations Requiring Mandatory Minimum Penalties (Effluent Limitations)
2. Exhibit B: List of Violations Requiring Mandatory Minimum Penalties (Discharge Monitoring Reports)
3. Exhibit C: Compliance Project Eligibility Memorandum

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY

Loleta CSD

Loleta WWTF

WDID No. 1B80081OHUM

NPDES No. CA0023671

EXHIBIT "A"

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days (Ct.)	Mandatory Fine?	Water Code	Penalty
N/A	1034611	10/12/2017	pH	Other	Instantaneous	6.5	6.4	SU	Y	b	N/A	4/15/2017	C	1	N		\$ 0
N/A	1034610	10/31/2017	Nitrate, Total (as N)	Group 1	Monthly Average	32.6	35	mg/L	Y	b	7%	5/4/2017	C	2	N		\$ 0
N/A	1036193	11/16/2017	pH	Other	Instantaneous	6.5	6	SU	Y	b	N/A	5/20/2017	C	3	N		\$ 0
N/A	1036187	11/22/2017	pH	Other	Instantaneous	6.5	5.9	SU	Y	b	N/A	5/26/2017	C	4	N		\$ 0
N/A	1036188	11/30/2017	Total Coliform	Other	Monthly Median	23	46	MPN/100	Y	b	N/A	6/3/2017	C	5	N		\$ 0
N/A	1036189	11/30/2017	Copper, Dissolved	Group 2	Monthly Average	18.4	19	ug/L	Y	b	3%	6/3/2017	C	6	N		\$ 0
N/A	1039200	12/28/2017	pH	Other	Weekly Average	6.5	6.1	SU	Y	b	N/A	7/1/2017	C	7	N		\$ 0
N/A	1039201	12/31/2017	Total Coliform	Other	Monthly Median	23	41	MPN/100	Y	b	N/A	7/4/2017	C	8	N		\$ 0
N/A	1039210	1/25/2018	Settleable Solids	Group 1	Weekly Average	0.2	0.7	ml/L	Y	b	250%	7/29/2017	S	9	N		\$ 0
N/A	1039209	1/31/2018	Settleable Solids	Group 1	Monthly Average	0.1	0.2	ml/L	Y	b	100%	8/4/2017	S	10	N		\$ 0
N/A	1040007	2/13/2018	Nitrate, Total (as N)	Group 1	Monthly Average	32.6	37	mg/L	Y	b	13%	8/17/2017	C	11	N		\$ 0
1	1041630	03/15/2018	pH	Other	Weekly Discharge	6.5	6.3	SU	N		N/A	09/16/2017	C	12	Y	13385(i)	\$ 3,000
2	1044077	05/15/2018	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	39	mg/L	N		20%	11/16/2017	C	11	Y	13385(i)	\$ 3,000
3	1047879	07/10/2018	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	41	ml/L	N		26%	01/11/2018	C	6	Y	13385(i)	\$ 3,000
4	1048746	08/14/2018	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	44	mg/L	N		35%	02/15/2018	S	N/A	Y	13385(h)	\$ 3,000
5	1048745	08/16/2018	pH	Other	Instantaneous	6.5	6.3	SU	N		N/A	02/17/2018	C	5	Y	13385(i)	\$ 3,000
6	1050293	09/11/2018	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	42	mg/L	N		29%	03/15/2018	C	6	Y	13385(i)	\$ 3,000
7	1053829	10/09/2018	Dichlorobromomethane	Group 2	Monthly Discharge	20.8	21	ug/L	N		1%	04/12/2018	C	6	Y	13385(i)	\$ 3,000
8	1053830	10/09/2018	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	33	mg/L	N		1%	04/12/2018	C	7	Y	13385(i)	\$ 3,000
9	1053762	11/13/2018	Nitrate, Total (as N)	Group 1	Monthly Average of	32.6	37	mg/L	N		13%	05/17/2018	C	7	Y	13385(i)	\$ 3,000
10	1053763	11/27/2018	Total Coliform	Other	Maximum Daily	230	540	MPN/100	N		N/A	05/31/2018	C	8	Y	13385(i)	\$ 3,000
11	1054963	12/10/2018	Copper, Total	Group 2	Monthly Discharge	18.4	21	ug/L	N		14%	06/13/2018	C	9	Y	13385(i)	\$ 3,000
12	1056027	01/24/2019	Settleable Solids	Group 1	Maximum Daily	0.2	0.4	ml/L	N		100%	07/28/2018	S	N/A	Y	13385(h)	\$ 3,000
13	1056929	02/14/2019	pH	Other	Instantaneous	6.5	6	SU	N		N/A	08/18/2018	C	8	Y	13385(i)	\$ 3,000
14	1056931	02/14/2019	Settleable Solids	Group 1	Maximum Daily	0.2	0.4	ml/L	N		100%	08/18/2018	S	N/A	Y	13385(h)	\$ 3,000
15	1056927	02/21/2019	pH	Other	Instantaneous	6.5	6.3	SU	N		N/A	08/25/2018	C	10	Y	13385(i)	\$ 3,000
16	1059618	05/14/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	36	mg/L	N		10%	11/15/2018	C	7	Y	13385(i)	\$ 3,000
17	1061151	06/11/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	40	mg/L	N		23%	12/13/2018	C	6	Y	13385(i)	\$ 3,000
18	1061153	06/11/2019	Dichlorobromomethane	Group 2	Monthly Discharge	20.8	22	mg/L	N		6%	12/13/2018	C	7	Y	13385(i)	\$ 3,000
19	1062389	07/09/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	47	mg/L	N		44%	01/10/2019	C	8	Y	13385(i)	\$ 3,000
20	1062390	07/09/2019	Dichlorobromomethane	Group 2	Monthly Discharge	20.8	27	ug/L	N		30%	01/10/2019	C	9	Y	13385(i)	\$ 3,000
21	1064531	08/13/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	41	mg/L	N		26%	02/14/2019	C	9	Y	13385(i)	\$ 3,000
22	1065339	09/10/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	35	mg/L	N		7%	03/14/2019	C	7	Y	13385(i)	\$ 3,000
23	1065340	09/24/2019	Total Coliform	Other	Maximum Daily	230	1600	MPN/100	N		N/A	03/28/2019	C	8	Y	13385(i)	\$ 3,000
24	1066532	10/08/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	48	mg/L	N		47%	04/11/2019	C	9	Y	13385(i)	\$ 3,000
25	1068157	11/12/2019	Dichlorobromomethane	Group 2	Monthly Discharge	20.8	21.7	ug/L	N		4%	05/16/2019	C	9	Y	13385(i)	\$ 3,000
26	1068158	11/12/2019	Nitrate, Total (as N)	Group 1	Monthly Discharge	32.6	44	mg/L	N		35%	05/16/2019	C	10	Y	13385(i)	\$ 3,000
27	1070072	12/23/2019	Settleable Solids	Group 1	Daily Maximum	0.2	2	mg/L	N		900%	06/26/2019	C	9	Y	13385(i)	\$ 3,000
28	1070071	12/29/2019	Chlorine, Total Residual	Group 2	Daily Maximum	0.1	4	mg/L	N		3900%	07/02/2019	S	N/A	Y	13385(h)	\$ 3,000
29	1070070	12/31/2019	Settleable Solids	Group 1	Monthly Mean	0.1	0.4	ml/L	N		300%	07/04/2019	C	11	Y	13385(i)	\$ 3,000
30	1070893	01/16/2020	Total Suspended Solids	Group 1	Weekly Discharge	45	100	mg/L	N		122%	07/20/2019	C	10	Y	13385(i)	\$ 3,000
31	1070895	01/16/2020	Biochemical Oxygen	Group 1	Weekly Discharge	54	300	lb/day	N		456%	07/20/2019	C	11	Y	13385(i)	\$ 3,000
32	1070896	01/16/2020	Total Suspended Solids	Group 1	Weekly Discharge	54	485	lb/day	N		798%	07/20/2019	C	12	Y	13385(i)	\$ 3,000
33	1070897	01/16/2020	Total Suspended Solids	Group 1	Monthly Average of	85	25	%	N		-71%	07/20/2019	C	13	Y	13385(i)	\$ 3,000
34	1070898	01/16/2020	Biochemical Oxygen	Group 1	Weekly Discharge	45	62	mg/L	N		38%	07/20/2019	C	14	Y	13385(i)	\$ 3,000
35	1070891	01/16/2020	Settleable Solids	Group 1	Maximum Daily	0.2	30	ml/L	N		14900%	07/20/2019	S	N/A	Y	13385(h)	\$ 3,000
36	1070890	01/31/2020	Settleable Solids	Group 1	Monthly Average	0.2	5	ml/L	N		2400%	08/04/2019	C	16	Y	13385(i)	\$ 3,000

37	1070892	01/31/2020	Total Suspended Solids	Group 1	Monthly Average	36	101	lb/day	N		181%	08/04/2019	C	17	Y	13385(i)	\$ 3,000
38	1070899	01/31/2020	BOD5 @ 20 Deg. C,	Group 1	Monthly Average	85	62.9	%	N		-26%	08/04/2019	C	18	Y	13385(i)	\$ 3,000
39	1070900	01/31/2020	Biochemical Oxygen	Group 1	Monthly Average	36	64	lb/day	N		78%	08/04/2019	C	19	Y	13385(i)	\$ 3,000
40	1074907	04/05/2020	Settleable Solids	Group 1	Daily Maximum	0.2	3	ml/L	N		1400%	10/08/2019	C	17	Y	13385(i)	\$ 3,000
41	1074908	04/30/2020	Settleable Solids	Group 1	Monthly Average	0.1	0.5	ml/L	N		400%	11/02/2019	C	17	Y	13385(i)	\$ 3,000
42	1076283	05/12/2020	Nitrate, Total (as N)	Group 1	Monthly Average	32.6	38	mg/L	N		17%	11/14/2019	C	16	Y	13385(i)	\$ 3,000
43	1076284	05/12/2020	Copper, Total	Group 2	Monthly Average	18.4	32	ug/L	N		74%	11/14/2019	C	17	Y	13385(i)	\$ 3,000
44	1084963	12/17/2020	Settleable Solids	Group 1	Daily Maximum	0.2	1.2	ml/L	N	a	500%	06/20/2020	N/A	1	N		\$ 0
45	1084964	12/31/2020	Settleable Solids	Group 1	Monthly Average	0.1	0.24	ml/L	N	a	140%	07/04/2020	N/A	2	N		\$ 0
46	1089302	01/28/2021	Settleable Solids	Group 1	Daily Maximum	0.2	6	ml/L	N	a	2900%	08/01/2020	N/A	3	N		\$ 0
47	1089303	01/28/2021	Total Suspended Solids	Group 1	Weekly Average	45	96	mg/L	N		113%	08/01/2020	C	4	Y	13385(i)	\$ 3,000
48	1089301	01/31/2021	Total Suspended Solids	Group 1	Monthly Average	83	3	%	N		-96%	08/04/2020	C	5	Y	13385(i)	\$ 3,000
49	1089305	01/31/2021	Settleable Solids	Group 1	Monthly Mean	0.1	1.5	ml/L	N		1400%	08/04/2020	C	6	Y	13385(i)	\$ 3,000
50	1089304	03/02/2021	Total Coliform	Other	Daily Discharge	240	350	MPN/100	N		N/A	09/03/2020	C	7	Y	13385(i)	\$ 3,000
51	1095965	09/14/2021	Copper, Total	Group 2	Monthly Discharge	23	33	ug/L	N	a	43%	03/18/2021	N/A	1	N		\$ 0
52	1099388	10/19/2021	Total Coliform	Other	Daily Maximum	230	920	MPN/100	N	a	N/A	04/22/2021	N/A	2	N		\$ 0
53	1099396	10/19/2021	Copper, Total	Group 2	Monthly Discharge	23	27	ug/L	N	a	17%	04/22/2021	N/A	3	N		\$ 0
54	1099397	10/24/2021	Settleable Solids	Group 1	Event Discharge	0.2	90	ml/L	N		44900%	04/27/2021	C	4	Y	13385(i)	\$ 3,000
55	1099392	10/26/2021	Total Coliform	Other	Daily Maximum	230	920	MPN/100	N		N/A	04/29/2021	C	5	Y	13385(i)	\$ 3,000
56	1099386	10/31/2021	Total Coliform	Other	Monthly Median	23	463.9	MPN/100	N		N/A	05/04/2021	C	6	Y	13385(i)	\$ 3,000
57	1099393	10/31/2021	Settleable Solids	Group 1	Monthly Mean	0.1	15	ml/L	N		14900%	05/04/2021	C	7	Y	13385(i)	\$ 3,000
58	1099384	11/01/2021	Total Coliform	Other	Daily Maximum	230	540	MPN/100	N		N/A	05/05/2021	C	8	Y	13385(i)	\$ 3,000
59	1099394	11/02/2021	Settleable Solids	Group 1	24-hour Average	0.2	20	ml/L	N		9900%	05/06/2021	C	9	Y	13385(i)	\$ 3,000
60	1099395	11/02/2021	pH	Other	Weekly Discharge	6.5	6.2	SU	N		N/A	05/06/2021	C	10	Y	13385(i)	\$ 3,000
61	1099389	11/06/2021	Total Suspended Solids	Group 1	Weekly Average	45	66.6	mg/L	N		48%	05/10/2021	C	11	Y	13385(i)	\$ 3,000
62	1099387	11/30/2021	Settleable Solids	Group 1	Monthly Average	0.1	5	ml/L	N		4900%	06/03/2021	C	12	Y	13385(i)	\$ 3,000
63	1099390	12/14/2021	Settleable Solids	Group 1	Event Discharge	0.2	3	ml/L	N		1400%	06/17/2021	C	13	Y	13385(i)	\$ 3,000
64	1099385	12/31/2021	Settleable Solids	Group 1	Monthly Average	0.1	0.5	ml/L	N		400%	07/04/2021	C	14	Y	13385(i)	\$ 3,000
65	1116460	01/05/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	2.5	mg/L	N		12400%	07/09/2021	C	15	Y	13385(i)	\$ 3,000
66	1116636	01/31/2022	Chlorine, Total Residual	Group 2	Monthly Average	0.01	0.08	mg/L	N		700%	08/04/2021	S	N/A	Y	13385(h)	\$ 3,000
67	1116459	03/03/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.16	mg/L	N		700%	09/04/2021	C	17	Y	13385(i)	\$ 3,000
68	1116462	03/08/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.14	mg/L	N		600%	09/09/2021	C	18	Y	13385(i)	\$ 3,000
69	1117068	03/13/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.03	mg/L	N		50%	09/14/2021	C	19	Y	13385(i)	\$ 3,000
70	1116471	03/16/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.12	mg/L	N		500%	09/17/2021	C	19	Y	13385(i)	\$ 3,000
71	1117098	03/17/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.1	mg/L	N		400%	09/18/2021	C	20	Y	13385(i)	\$ 3,000
72	1116469	03/18/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.12	mg/L	N		500%	09/19/2021	C	21	Y	13385(i)	\$ 3,000
73	1117071	03/19/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.07	mg/L	N		250%	09/20/2021	C	22	Y	13385(i)	\$ 3,000
74	1117057	03/20/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.06	mg/L	N		200%	09/21/2021	C	23	Y	13385(i)	\$ 3,000
75	1117072	03/21/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.03	mg/L	N		50%	09/22/2021	C	24	Y	13385(i)	\$ 3,000
76	1117096	03/22/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.04	mg/L	N		100%	09/23/2021	C	25	Y	13385(i)	\$ 3,000
77	1116470	03/23/2022	Chlorine, Free Available	Group 2	Daily Maximum	0.02	0.21	mg/L	N		950%	09/24/2021	C	26	Y	13385(i)	\$ 3,000
78	1116461	03/24/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.22	mg/L	N		1000%	09/25/2021	C	27	Y	13385(i)	\$ 3,000
79	1116637	03/31/2022	Chlorine, Total Residual	Group 2	Monthly Average	0.01	0.05	mg/L	N		400%	10/02/2021	S	N/A	Y	13385(h)	\$ 3,000
80	1116587	04/26/2022	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L/hr	N		900%	10/28/2021	C	25	Y	13385(i)	\$ 3,000
81	1116588	05/04/2022	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L/hr	N		900%	11/05/2021	C	21	Y	13385(i)	\$ 3,000
82	1116591	05/10/2022	pH	Other	Daily Minimum	6.5	6.05	SU	N		N/A	11/11/2021	C	21	Y	13385(i)	\$ 3,000
83	1116592	06/14/2022	Ammonia Impact Ratio	Other	Monthly Average	1	1.65	%	N		N/A	12/16/2021	C	20	Y	13385(i)	\$ 3,000
84	1117074	06/14/2022	Total Coliform	Other	Instantaneous	240	270	MPN/100	N		N/A	12/16/2021	C	21	Y	13385(i)	\$ 3,000
85	1117609	06/14/2022	Ammonia Impact Ratio	Other	Maximum Daily	1	5.36	%	N		N/A	12/16/2021	C	22	Y	13385(i)	\$ 3,000
86	1117060	06/21/2022	Total Coliform	Other	Instantaneous	240	2400	MPN/100	N		N/A	12/23/2021	C	23	Y	13385(i)	\$ 3,000
87	1117097	06/28/2022	Total Coliform	Other	Instantaneous	240	5400	MPN/100	N		N/A	12/30/2021	C	24	Y	13385(i)	\$ 3,000
88	1117076	06/30/2022	Total Coliform	Other	Monthly Median	23	1335	MPN/100	N		N/A	01/01/2022	C	24	Y	13385(i)	\$ 3,000
89	1117081	07/05/2022	Total Coliform	Other	Instantaneous	240	2400	MPN/100	N		N/A	01/06/2022	C	24	Y	13385(i)	\$ 3,000
90	1117084	07/12/2022	Total Coliform	Other	Daily Maximum	240	920	MPN/100	N		N/A	01/13/2022	C	25	Y	13385(i)	\$ 3,000
91	1117611	07/12/2022	Ammonia Impact Ratio	Other	Monthly Average	1	2.28	%	N		N/A	01/13/2022	C	26	Y	13385(i)	\$ 3,000
92	1117612	07/12/2022	Ammonia Impact Ratio	Other	Maximum Daily	1	3	%	N		N/A	01/13/2022	C	27	Y	13385(i)	\$ 3,000
93	1117085	07/31/2022	Total Coliform	Other	Monthly Median	23	530	MPN/100	N		N/A	02/01/2022	C	27	Y	13385(i)	\$ 3,000
94	1116600	08/01/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.049	mg/L	N		145%	02/02/2022	C	28	Y	13385(i)	\$ 3,000
95	1116595	08/02/2022	Chlorine, Total Residual	Group 2	Daily Maximum	0.02	0.03	mg/L	N		50%	02/03/2022	C	29	Y	13385(i)	\$ 3,000
96	1117065	08/02/2022	Total Coliform	Other	Instantaneous	240	9200	MPN/100	N		N/A	02/03/2022	C	30	Y	13385(i)	\$ 3,000
97	1116599	08/09/2022	Ammonia Impact Ratio	Other	Monthly Average	1	1.65	%	N		N/A	02/10/2022	C	31	Y	13385(i)	\$ 3,000
98	1117066	08/09/2022	Total Coliform	Other	Instantaneous	240	1600	MPN/100	N		N/A	02/10/2022	C	32	Y	13385(i)	\$ 3,000
99	1117610	08/09/2022	Ammonia Impact Ratio	Other	Maximum Daily	1	8.9	%	N		N/A	02/10/2022	C	33	Y	13385(i)	\$ 3,000
100	1117075	08/31/2022	Total Coliform	Other	Monthly Median	23	804.65	MPN/100	N		N/A	03/04/2022	C	33	Y	13385(i)	\$ 3,000
101	1117613	09/28/2022	Ammonia Impact Ratio	Other	Monthly Average	1	1.35	%	N		N/A	04/01/2022	C	22	Y	13385(i)	\$ 3,000
102	1117614	09/28/2022	Ammonia Impact Ratio	Other	Maximum Daily	1	2.3	%	N		N/A	04/01/2022	C	23	Y	13385(i)	\$ 3,000
103	1117083	09/30/2022	Total Coliform	Other	Monthly Median	23	40.4	MPN/100	N		N/A	04/03/2022	C	24	Y	13385(i)	\$ 3,000
104	1117617	10/11/2022	Ammonia Impact Ratio	Other	Maximum Daily	1	2.92	%	N		N/A	04/14/2022	C	25	Y	13385(i)	\$ 3,000
105	1117618	10/11/2022	Ammonia Impact Ratio	Other	Monthly Average	1	9.51	%	N		N/A	04/14/2022	C	26	Y	13385(i)	\$ 3,000
106	1116911	10/18/2022	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	04/21/2022	C	27	Y	13385(i)	\$ 3,000
107	1116903	10/25/2022	Settleable Solids	Group 1	Daily Maximum	0.2	18	ml/L	N		8900%	04/28/2022	C	27	Y	13385(i)	\$ 3,000
108	1117099	10/25/2022	Total Coliform	Other	Daily Maximum	240	1600	MPN/100	N		N/A	04/28/2022	C	28	Y	13385(i)	\$ 3,000
109	1116909	10/31/2022	Settleable Solids	Group 1	Monthly Average	0.1	5.5	ml/L	N		5400%	05/04/2022	C	29	Y	13385(i)	\$ 3,000
110	1116912	11/01/2022	Settleable Solids	Group 1	Daily Maximum	0.2	15	ml/L	N		7400%	05/05/2022	C	29	Y	13385(i)	\$ 3,000
111	1116902	11/03/2022	Total Coliform	Other	Instantaneous	240	920	MPN/100	N		N/A	05/07/2022	C	30	Y	13385(i)	\$ 3,000
112	1116908	11/08/2022	Settleable Solids	Group 1	Daily Maximum	0.2	8	ml/L	N		3900%	05/12/2022	C	30	Y	13385(i)	\$ 3,000

113	1116904	11/15/2022	Settleable Solids	Group 1	Daily Maximum	0.2	6	ml/L	N		2900%	05/19/2022	C	31	Y	13385(i)	\$ 3,000
114	1116905	11/22/2022	Settleable Solids	Group 1	Daily Maximum	0.2	5	ml/L	N		2400%	05/26/2022	C	32	Y	13385(i)	\$ 3,000
115	1116901	11/27/2022	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	05/31/2022	C	33	Y	13385(i)	\$ 3,000
116	1117062	11/27/2022	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	05/31/2022	C	34	Y	13385(i)	\$ 3,000
117	1116910	11/30/2022	Settleable Solids	Group 1	Monthly Average	0.1	7.2	ml/L	N		7100%	06/03/2022	C	35	Y	13385(i)	\$ 3,000
118	1116950	01/10/2023	Total Coliform	Other	Instantaneous	240	920	MPN/100	N		N/A	07/14/2022	C	26	Y	13385(i)	\$ 3,000
119	1116945	01/31/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	08/04/2022	C	23	Y	13385(i)	\$ 3,000
120	1116947	01/31/2023	Settleable Solids	Group 1	Monthly Average	0.1	1.5	ml/L	N		1400%	08/04/2022	C	24	Y	13385(i)	\$ 3,000
121	1116946	02/07/2023	Settleable Solids	Group 1	Daily Maximum	0.2	3	ml/L	N		1400%	08/11/2022	C	22	Y	13385(i)	\$ 3,000
122	1116948	02/28/2023	Settleable Solids	Group 1	Daily Maximum	0.2	6	ml/L	N		2900%	09/01/2022	C	22	Y	13385(i)	\$ 3,000
123	1116949	02/28/2023	Settleable Solids	Group 1	Monthly Average	0.1	2.75	ml/L	N		2650%	09/01/2022	C	23	Y	13385(i)	\$ 3,000
124	1116952	03/07/2023	Settleable Solids	Group 1	Daily Maximum	0.2	5	ml/L	N		2400%	09/08/2022	C	24	Y	13385(i)	\$ 3,000
125	1116954	03/14/2023	Settleable Solids	Group 1	Daily Maximum	0.2	3	ml/L	N		1400%	09/15/2022	C	25	Y	13385(i)	\$ 3,000
126	1116951	03/21/2023	Total Coliform	Other	Instantaneous	240	920	MPN/100	N		N/A	09/22/2022	C	26	Y	13385(i)	\$ 3,000
127	1116953	03/28/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L	N		900%	09/29/2022	C	25	Y	13385(i)	\$ 3,000
128	1116956	03/28/2023	Total Coliform	Other	Instantaneous	240	920	MPN/100	N		N/A	09/29/2022	C	26	Y	13385(i)	\$ 3,000
129	1116955	03/31/2023	Settleable Solids	Group 1	Monthly Average	0.1	2.75	ml/L	N		2650%	10/02/2022	C	26	Y	13385(i)	\$ 3,000
130	1118778	04/11/2023	Settleable Solids	Group 1	Daily Maximum	0.2	1	ml/L/hr	N		400%	10/13/2022	C	25	Y	13385(i)	\$ 3,000
131	1118779	04/18/2023	Settleable Solids	Group 1	Daily Maximum	0.2	1	ml/L/hr	N		400%	10/20/2022	C	25	Y	13385(i)	\$ 3,000
132	1118780	04/25/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L/hr	N		900%	10/27/2022	C	24	Y	13385(i)	\$ 3,000
133	1118781	04/30/2023	Settleable Solids	Group 1	Monthly Average	0.1	1.33	ml/L/hr	N		1230%	11/01/2022	C	24	Y	13385(i)	\$ 3,000
134	1118799	05/02/2023	Settleable Solids	Group 1	Daily Maximum	0.2	1	ml/L/hr	N		400%	11/03/2022	C	24	Y	13385(i)	\$ 3,000
135	1118787	05/09/2023	Settleable Solids	Group 1	Daily Maximum	0.2	6	ml/L/hr	N		2900%	11/10/2022	C	23	Y	13385(i)	\$ 3,000
136	1118782	05/16/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L/hr	N		900%	11/17/2022	C	23	Y	13385(i)	\$ 3,000
137	1118788	05/23/2023	Settleable Solids	Group 1	Daily Maximum	0.2	1	ml/L/hr	N		400%	11/24/2022	C	23	Y	13385(i)	\$ 3,000
138	1118783	05/30/2023	Settleable Solids	Group 1	Daily Maximum	0.2	3	ml/L/hr	N		1400%	12/01/2022	C	21	Y	13385(i)	\$ 3,000
139	1118784	05/31/2023	Settleable Solids	Group 1	Monthly Average	0.1	2.6	ml/L/hr	N		2500%	12/02/2022	C	22	Y	13385(i)	\$ 3,000
140	1118800	06/13/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2	ml/L/hr	N		900%	12/15/2022	C	23	Y	13385(i)	\$ 3,000
141	1118785	06/20/2023	Settleable Solids	Group 1	Daily Maximum	0.2	2.1	ml/L/hr	N		950%	12/22/2022	C	24	Y	13385(i)	\$ 3,000
142	1118786	06/27/2023	Settleable Solids	Group 1	Daily Maximum	0.2	3.2	ml/L/hr	N		1500%	12/29/2022	C	25	Y	13385(i)	\$ 3,000
143	1118801	06/30/2023	Settleable Solids	Group 1	Monthly Average	0.1	2.43	ml/L/hr	N		2330%	01/01/2023	C	26	Y	13385(i)	\$ 3,000
144	1121115	07/06/2023	Settleable Solids	Group 1	Maximum Daily	0.2	2.1	ml/L	N		950%	01/07/2023	C	27	Y	13385(i)	\$ 3,000
145	1121116	07/11/2023	Settleable Solids	Group 1	Maximum Daily	0.2	2.6	ml/L	N		1200%	01/12/2023	C	27	Y	13385(i)	\$ 3,000
146	1121117	07/31/2023	Settleable Solids	Group 1	Monthly Average	0.1	1.2	ml/L	N		1100%	02/01/2023	C	26	Y	13385(i)	\$ 3,000
147	1121118	08/08/2023	Settleable Solids	Group 1	Maximum Daily	0.2	0.5	ml/L	N		150%	02/09/2023	C	26	Y	13385(i)	\$ 3,000
148	1121120	08/31/2023	Settleable Solids	Group 1	Monthly Average	0.1	0.18	ml/L	N		80%	03/04/2023	C	25	Y	13385(i)	\$ 3,000
149	1123726	12/05/2023	Total Coliform	Other	Single Sample	240	350	MPN/100	N		N/A	06/08/2023	C	10	Y	13385(i)	\$ 3,000
150	1123727	12/06/2023	Chlorine, Total Residual	Group 2	Maximum Daily	0.02	2.2	mg/L	N		10900%	06/09/2023	C	11	Y	13385(i)	\$ 3,000
151	1123728	12/06/2023	Chlorine, Total Residual	Group 2	Monthly Average	0.01	0.07	mg/L	N		600%	06/09/2023	C	12	Y	13385(i)	\$ 3,000
152	1123729	12/20/2023	Settleable Solids	Group 1	Maximum Daily	0.2	1.5	mg/L	N		650%	06/23/2023	C	11	Y	13385(i)	\$ 3,000
153	1123730	12/20/2023	Settleable Solids	Group 1	Monthly Average	0.1	0.3	mg/L	N		200%	06/23/2023	C	12	Y	13385(i)	\$ 3,000
154	1123724	12/27/2023	Total Coliform	Other	Single Sample	23	920	MPN/100	N		N/A	06/30/2023	C	12	Y	13385(i)	\$ 3,000
155	1123725	12/31/2023	Total Coliform	Other	Monthly Average	23	424	MPN/100	N		N/A	07/04/2023	C	12	Y	13385(i)	\$ 3,000
156	1126754	01/03/2024	Settleable Solids	Group 1	Maximum Daily	0.2	0.5	mg/L	N		150%	07/07/2023	C	12	Y	13385(i)	\$ 3,000
157	1126760	01/03/2024	Total Coliform	Other	Single Sample	240	350	MPN/100	N		N/A	07/07/2023	C	13	Y	13385(i)	\$ 3,000
158	1126752	01/31/2024	Settleable Solids	Group 1	Monthly Average	0.1	0.18	ml/L	N		80%	08/04/2023	C	12	Y	13385(i)	\$ 3,000
159	1126758	01/31/2024	Total Coliform	Other	Monthly Median	23	31	MPN/100	N		N/A	08/04/2023	C	13	Y	13385(i)	\$ 3,000
160	1126755	02/06/2024	Settleable Solids	Group 1	Daily Maximum	0.2	0.7	ml/L	N		250%	08/10/2023	C	13	Y	13385(i)	\$ 3,000
161	1126757	02/06/2024	pH	Other	Instantaneous	6.5	5.9	SU	N		N/A	08/10/2023	C	14	Y	13385(i)	\$ 3,000
162	1126759	02/13/2024	Total Coliform	Other	Single Sample	240	425	MPN/100	N		N/A	08/17/2023	C	15	Y	13385(i)	\$ 3,000
163	1126748	02/29/2024	Settleable Solids	Group 1	Monthly Average	0.1	0.25	ml/L	N		150%	09/02/2023	C	15	Y	13385(i)	\$ 3,000
164	1126753	02/29/2024	Total Suspended Solids	Group 1	Percent Reduction	85	52.9	%	N		-38%	09/02/2023	C	16	Y	13385(i)	\$ 3,000
165	1126761	02/29/2024	Total Coliform	Other	Monthly Median	23	94.5	MPN/100	N		N/A	09/02/2023	C	17	Y	13385(i)	\$ 3,000
166	1126751	03/19/2024	pH	Other	Instantaneous	6.5	6.1	SU	N		N/A	09/21/2023	C	18	Y	13385(i)	\$ 3,000
167	1126756	03/19/2024	Settleable Solids	Group 1	Daily Maximum	0.1	0.3	ml/L	N		200%	09/21/2023	C	19	Y	13385(i)	\$ 3,000
168	1126749	03/31/2024	Total Suspended Solids	Group 1	Percent Reduction	85	82.4	%	N		-3%	10/03/2023	C	20	Y	13385(i)	\$ 3,000
169	1126750	03/31/2024	Settleable Solids	Group 1	Monthly Average	0.1	0.15	mg/L	N		50%	10/03/2023	C	21	Y	13385(i)	\$ 3,000

Total Penalty: \$ 489,000

Legend of Table

a. The first three violations in a 180-day period shall not receive MMP assessment unless serious.

b. Violation is not eligible for MMP because it was already included in a previous Enforcement Action. Included in this list to show rolling 180-day count.

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

- Violation occurs on sample date or last date of averaging period.

- For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

- When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation Period Between March 15, 2018, and March 31, 2024

Group II Violations Assessed MMP:	26
Other Effluent Violations Assessed MMP:	47
Violations Exempt from MMP:	0
Total Violations Assessed MMP:	163

Mandatory Minimum Penalty = (7 Serious Violations + 156 Non-Serious Violations) x \$3,000 = \$489,000

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY

Loleta CSD

Loleta WWTF

WDID No. 1B80081OHUM

NPDES No. CA0023671

EXHIBIT "B"

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

Number	Violation No.	Violation Date	Constituent/ Description	Due Date	Date Submitted	Exempt from MMP?	Exemption Reason	Days Past Due	No. of Serious Violations	Date 180 Days Prior	Serious, Chronic, or Exempt Violation?	Mandatory Fine?	Water Code	Penalty
1	1102120	03/02/2022	Annual Report for Calendar Year 2021 past due, submitted on February 6, 2023	03/01/2022	02/06/2023	N	N (c)	341	11 (a)	09/03/2021	S	Y	13385.1	\$ 33,000
2	1104124	05/02/2022	Q1 2022 Report past due, submitted on May 9, 2023	05/01/2022	05/09/2023	N	N (c)	372	12 (a)	11/03/2021	S	Y	13385.1	\$ 36,000
3	1107113	08/02/2022	Q2 2022 Report past due, submitted on May 11, 2023	08/01/2022	05/11/2023	N	N (c)	282	9 (a)	02/03/2022	S	Y	13385.1	\$ 27,000
4	1110036	11/02/2022	Q3 2022 Report past due, submitted on May 11, 2023	11/01/2022	05/11/2023	N	N (c)	190	6 (a)	05/06/2022	S	Y	13385.1	\$ 18,000
5	1113397	02/02/2023	Q4 2022 Report past due, submitted on May 24, 2023	02/01/2023	05/24/2023	N	N (c)	111	3 (a)	08/06/2022	S	Y	13385.1	\$ 9,000
6	1114585	03/02/2023	Annual Report for Calendar Year 2022 past due, submitted on May 25, 2023	03/01/2023	05/25/2023	N	N (c)	84	2 (a)	09/03/2022	S	Y	13385.1	\$ 6,000
7	1116745	05/02/2023	Q1 2023 Report past due, submitted on May 24, 2023	05/01/2023	05/24/2023	Y	c	21	0 (a)	11/03/2022	E	N		\$ 0

Total Penalty: \$ 129,000

Legend of Table

- Water Code section 13385.1. [Definitions of "serious violation" and "effluent limitation"] (a) (1) For the purposes of subdivision (h) of Section 13385, a "serious violation" also means a failure to file a discharge monitoring report required pursuant to Section 13383 for **each complete period of 30 days** following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
 - The first three violations in a 180-day period shall not receive MMP assessment unless serious.
 - Water Code sections 13385.1(a)(2) and (b) specify conditions where violations associated with a report more than 30 days past due will not be considered "serious," and subject to Mandatory Minimum Penalties. Applicable conditions have not been met for any of the violations cited herein.
- Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violation Period Between March 1, 2022, and May 1, 2023

Group I Violations Assessed MMP:	0
Group II Violations Assessed MMP:	0
Other Effluent Violations Assessed MMP:	0
Late Reporting Violations Assessed MMP:	43
Violations Exempt from MMP:	0
Total Violations Assessed MMP:	43

Mandatory Minimum Penalty = (43 Serious Violations + 0 Non-Serious Violations) x \$3,000 = \$129,000

North Coast Regional Water Quality Control Board

State of California
North Coast Water Quality Control Board
Interoffice Memorandum

TO: Jeremiah Puget
FROM: Jordan Filak
DATE: October 31, 2024

SUBJECT: LOLETA COMMUNITY SERVICES DISTRICT, WASTEWATER TREATMENT FACILITY (LOLETA WWTF), DETERMINATION OF ELIGIBILITY FOR COMPLIANCE PROJECT AS A PUBLICLY OWNED TREATMENT WORKS (POTW) SERVING A SMALL COMMUNITY WITH A FINANCIAL HARDSHIP

Background and Summary

Loleta WWTF has accrued \$618,000 in mandatory minimum penalties (MMPs) for the period of March 15, 2018, through March 31, 2024. The analysis described below suggests Loleta WWTF is currently eligible to complete a Compliance Project.

Analysis

Water Code section 13385, subdivision (k), provides that the State Water Resources Control Board (State Water Board) or Regional Water Board may, contingent upon certain findings, require a POTW serving a small community to spend an amount of money equivalent to the MMP amount toward the completion of a compliance project proposed by the POTW, in lieu of paying the penalty amount to the State Water Board's Cleanup and Abatement Account. Water Code section 13385, subdivision (k)(2), defines a POTW "serving a small community" as:

"[A] publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works."

Determining whether a POTW is "serving a small community" entails two separate determinations, whether: (1) the POTW is either situated within a rural county or has a

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

population of 20,000 or less; and (2) the POTW's service area has a "financial hardship."

Rural County/Population Cap

Consistent with Water Code section 13385, subdivision (k)(2), the State Water Resources Control Board's 2017 *Enforcement Policy*¹, at page 26, identifies a "rural county" as a county classified by the Economic Research Service (ERS), United States Department of Agriculture (USDA), with a rural-urban continuum code of four through nine.

The Loleta WWTF is a POTW located in Humboldt County. According to the 2013 Rural Urban Continuum Codes file updated on May 10, 2013², Humboldt County has a rural-urban continuum code of five (Nonmetro - Urban population of 20,000 or more, not adjacent to a metro area) and therefore, falls within the "rural county" classification. Furthermore, based on United States Census Bureau data discussed below, the block groups approximating the services area for the Loleta WWTF have a total population of 1,095. By either criterion, the community served by the Loleta WWTF meets the definition of "small."

Financial Hardship

Consistent with Water Code section 13385, subdivision (k)(2), the *Enforcement Policy*, at page 26, defines "financial hardship" in terms of median household income (MHI), unemployment rate and poverty level.³ Specifically, the *Enforcement Policy* defines "financial hardship" as meaning that the community served by the POTW meets one of the following criteria:

- *Median household income⁴ for the community is less than 80 percent of the California median household income;*

¹ A copy of the State Water Board's Water Quality Enforcement Policy is available at http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf

² <http://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx>, accessed September 16, 2021.

³ *Median household income, unemployment rate, and poverty level of the population served by the POTW are based on the most recent U.S. Census block group data or a local survey approved by the Regional Water Board in consultation with the State Water Board.*

⁴ **Median household income[.]** *The median income divides the income distribution into two equal groups, one having incomes above the median and the other having incomes below the median.*

- *The community has an unemployment rate⁵ of 10 percent or greater;*
or
- *Twenty percent of the population is below the poverty⁶ level.*

Figure 1, below, shows the service area covered by the Loleta WWTF, and identifies the United States Census Bureau census tracts and block groups⁷ included within the service area, including Humboldt County Tract 108, Block group 1.

In order to conduct the analysis to determine financial hardship, staff reviewed datasets available through the Census.gov portal at: <https://data.census.gov/cedsci/>. At the time of this review, the most recent available economic data are from the United States Census Bureau's ongoing 5-year estimates, and the most recent available 5-year estimate with block group data is that for 2021. Datasets staff reviewed to determine financial hardship included those for Total Population (B01003); Number of Households (B19001); Median Household Income weighted by number of households (B19013); Employment Status (B23025); and Ratio of Individuals Below the Poverty Line (C17002).

Accessing the Census.gov link above, staff entered individual dataset numbers into the search window, then filtered the results for each dataset, filtering Geography to: Block Group/California/Humboldt County/All Block Groups within Humboldt County; filtering Years to 2019; and filtering Surveys to ACS 5-Year Estimates Detailed Tables. Table 1, below, shows the results of staff's analysis.

⁵ **Unemployed**[.] *All civilians, 16 years and older, are classified as unemployed if they (1) were neither "at work" nor "with a job but not at work" during the reference week, (2) were actively looking for work during the last 4 weeks, and (3) were available to accept a job. Also included as unemployed are civilians who (1) did not work at all during the reference week, (2) were waiting to be called back to a job from which they had been laid off, and (3) were available for work except for temporary illness.*

⁶ **Poverty**[.] *Following the Office of Management and Budget's Directive 14, the Census Bureau uses a set of income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."*

⁷ **Block group**[.] *A subdivision of a census tract (or, prior to 2000, a block numbering area). A block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract beginning with the same number. Example: block group 3 consists of all blocks within a 2000 census tract numbering from 3000 to 3999. In 1990, block group 3 consisted of all blocks numbered from 301 to 399Z."*

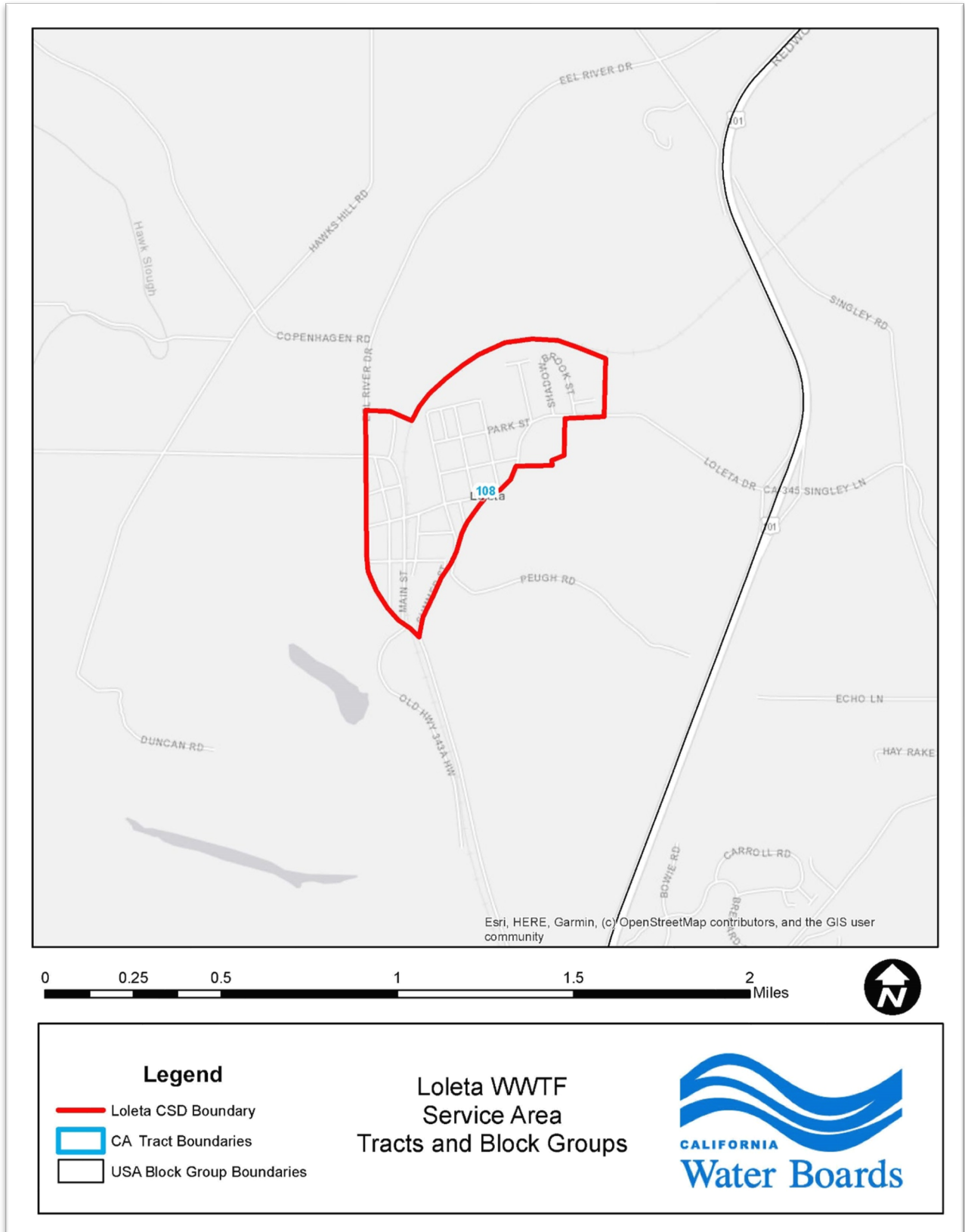


Figure 1

Table 1 – Summary of Census Data and Hardship Analysis

Dataset #	Table description	Tract 108 Block Group 1 2019 5-Year	Combined Block group Data	Financial Hardship Criterion
B01003	Total Population	1,095 people	1,095 people	Population <20,000 <i>Criterion Met</i>
B19013	Median Household Income weighted by number of households	\$63,158	\$63,158	MHI less than 80% of CA MHI 80% CA MHI 2021 = \$67,278 <i>Criterion Met</i>
B23025	Employment Status	616 in labor force. Of those, 55 unemployed. 8.93% unemployed	616 in labor force. Of those, 55 unemployed. 8.93% unemployed	Unemployment rate 10% or greater <i>Criterion NOT Met</i>

Dataset #	Table description	Tract 108 Block Group 1 2019 5-Year	Combined Block group Data	Financial Hardship Criterion
C17002	Ratio of individuals below the Poverty Level	4.78% below poverty level	4.78% below poverty level	20% below poverty level <i>Criterion NOT Met</i>

Based on the Enforcement Policy's criteria and the most recent U.S. Census block group data, Loleta WWTF does qualify as a publicly owned treatment works serving a small community with a financial hardship. The total population of Loleta is less than 20,000 people, and the median household income weighted by the number of households is less than 80 percent of the California median household income. Based on these criteria, the town of Loleta does qualify as a small community with financial hardship.

If the Discharger believes that the U.S. Census data used in this determination do not accurately represent the population served by the Loleta WWTF, the Enforcement Policy provides for the possibility of a local survey approved by the Regional Water Board in consultation with the State Water Board and a procedure by which the Discharger may present an alternative justification to the Regional Water Board for designation as a "POTW serving a small community (p. 27)." Pursuant to the Enforcement Policy, the Regional Water Board must consult with the State Water Board when making such determinations.