

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the matter of: )

**OMI/Thames Water Stockton, Inc.** )

**ORDER WQ 2008-0007-EXEC**

Stipulated Administrative  
Civil Liability Order

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**INTRODUCTION:**

This Stipulated Administrative Civil Liability Order (hereafter "Stipulated Order") is entered into by and between the Executive Director of the State Water Resources Control Board ("State Water Board") and OMI/Thames Water Stockton, Inc. ("OMI") (Collectively "Parties") and is presented to the State Water Board, or its delegee, for adoption as an Order by settlement, pursuant to Government Code section 11415.60.

**THE STATE WATER BOARD EXECUTIVE DIRECTOR ALLEGES:**

1. OMI contracted with the City of Stockton for the operation of its wastewater treatment plant (WWTP) located at 2500 Navy Drive, Stockton, CA 95206.
2. The WWTP is a regulated "wastewater treatment plant" as defined by California Water Code section 13625 (b)(1) as "a facility owned by a state, local, or federal agency used in the treatment or reclamation of sewage and industrial wastes."
3. Pursuant to California Water Code section 13627(a), operators of WWTPs are required to possess a certificate of appropriate grade issued by the State Water Board. Title 23 of the California Code of Regulations, section 3670.1 prohibits a person from operating a WWTP unless that person has been certified by the division as a WWTP operator or operator-in-training at a grade appropriate for the class of plant being operated.
4. Pursuant to California Water Code section 13627.1(b) any person or entity that owns or operates a WWTP that employs, or allows the employment of, any person as a WWTP operator who does not hold a valid and unexpired certificate of the appropriate grade is guilty of a misdemeanor and may be liable civilly for up to \$100 for each day of violation.
5. Mr. Donnie Anderson began working as an operator-in-training (OIT) for OMI at the City of Stockton WWTP on March 1, 2007. Following OMI standard procedure, Mr. Anderson applied for an operator's certificate on his first day of work. The application indicated, by a checked box on the front page, that he was applying for a Grade I examination rather than an OIT certificate. The application also incorrectly indicated that Mr. Anderson did not graduate high school.
6. On March 20, 2007, the State Water Resources Control Board, Office of Operator Certification (OOC), issued a letter to Mr. Anderson stating that his March 1, 2007 application was denied due to a lack of educational requirements. OOC did not issue an OIT certificate to Mr. Anderson. Mr. Anderson worked at

the City of Stockton WWTP from March 1, 2007 through March 12, 2008 (377 days) without the requisite operator certification.

7. The maximum penalty pursuant to section 13627.1(b) is \$37,700 (377 days X \$100 for each day of violation). The Parties have agreed to assess administrative civil liability penalties at \$10,000.

THE STATE WATER BOARD EXECUTIVE OFFICER AND OMI/THAMES WATER STOCKTON, INC. HEREBY STIPULATE AS FOLLOWS:

- A. Upon adoption by the State Water Board, or its delegee, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations or causes of action alleged in this Order or which could have been asserted by the State Water Board based on the specific facts alleged in this Stipulated Order against OMI and its subsidiaries, corporate parents, affiliates, successors, heirs, assigns, and their officers, directors, partners, employees, representative agents, and attorneys, as of the effective date of this Stipulated Order.
- B. The Parties covenant and agree that they will not contest the Stipulated Order before any court.
- C. OMI agrees to pay \$10,000 to the State Water Resources Control Board, payable to the State Water Pollution Cleanup and Abatement Account within 30 days from the date in which it receives notice that the Order has been adopted by the State Water Board, or its delegee.
- D. Neither this Stipulated Order nor any payment pursuant to the Order shall constitute evidence of, or be construed as, a finding, adjudication, or acknowledgment of any fact, law or liability, nor shall it be construed as an admission of violation of any law, rule, or regulations. However, this Order and/or any actions or payment pursuant to the Order may constitute evidence in actions seeking compliance with this Order. This Order may be used as evidence of a prior enforcement action in any future actions by the State Water Board against OMI.
- E. 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.
- F. This 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.
- G. This Order shall not be modified by any of the Parties by oral representation made before or after the execution of this Order. All modifications must be made in writing and approved by the State Water Board.

H. 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.

IT IS SO STIPULATED

Dorothy Rice  
Dorothy Rice  
Executive Director  
On behalf of the State Water Board Prosecution Team

8.2.08  
Date

Approved as to Form:  
Mayumi Okamoto  
Mayumi Okamoto, Staff Counsel  
Office of Enforcement  
State Water Resources Control Board  
Attorney for State Water Board Prosecution Team

8/22/08  
Date

Roger B. Anayle  
Name  
Title  
OMI/Thames Water Stockton, Inc.

08/19/2008  
Date

Approved as to Form:  
Catherine Lang  
Catherine Lang, Esq.  
CH2M Hill OMI, Corporate Counsel  
Attorney for OMI/Thames Water Stockton, Inc.

8.19.08  
Date

**HAVING CONSIDERED THE ALLEGATIONS DESCRIBED ABOVE AND THE PARTIES' STIPULATIONS, THE STATE WATER BOARD FINDS THAT:**

1. Issuance of this Stipulated Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with sections 15061(b)(3) and 15321(a)(2), of Title 14 of the California Code of Regulations.
2. In adopting this Stipulated Order, the State Water Board has considered all the factors prescribed in California Water Code section 13327.

3. State Water Board Resolution 2002-0104 delegated authority to the Executive Director to issue a decision or order by settlement of the Complaint under Government Code section 11415.60.

IT IS HEREBY ORDERED, pursuant to section 13627.1(b) of the California Water Code and section 11415.60 of the California Government Code that OMI/Thames Water Stockton, Inc. is assessed a civil liability of **\$10,000**, to be paid within 30 days of receiving notice that this Order is effective.

OMI is ordered to submit the payment in the form of a check, payable to the *State Water Pollution Cleanup and Abatement Account*, and shall indicate on the check the number of this Stipulated Order. OMI shall send the original signed check to State Water Resources Control Board, Department of Administrative Services, PO Box 1888, Sacramento, CA 95812-1888, with copies sent to: Dorothy Rice, Executive Director, State Water Resources Control Board P.O. Box 100, Sacramento, CA 95812-0100 and Mayumi Okamoto, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812-0100.



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Dorothy Rice  
Executive Director  
On behalf of the State Water Resources  
Control Board

8.26.08

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Date