

**STATE WATER RESOURCES CONTROL BOARD**

In the matter of:

Order WQ-2011-0001-EXEC

**ECO RESOURCES INC.**

**SETTLEMENT AGREEMENT AND  
STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY ORDER**

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (hereafter "Stipulated Order" or "Order") is entered into by and between the Chief Deputy Director of the State Water Resources Control Board ("State Water Board"), on behalf of the State Water Board Prosecution Staff ("Prosecution Staff") and ECO Resources Inc., now known as Southwest Water Services Co. ("ECO") (collectively, the "Parties" and individually, each a "Party") and is presented to the State Water Board for adoption as an Order by settlement, pursuant to Government Code section 11415.60.

**1. RECITALS**

WHEREAS, at all times relevant to this matter, ECO Resources Inc. ("ECO") was registered with the State Water Board as a contract operator pursuant to Water Code section 13627.3 and Title 23, California Code of Regulations, sections 3719 *et seq.*;

WHEREAS, ECO contracted to operate and did operate or is operating Wastewater Treatment Plants (WWTPs) for periods of time indicated in Table 1A below under water discharge requirements issued by one or more California regional water quality control boards. The waste discharge requirements listed in Table 1A below are those that are relevant to the matters addressed in this order.

<b>TABLE 1A</b>			
<b>WWTP</b>	<b>Permit No.</b>	<b>Begin Operation</b>	<b>End Operation</b>
City of Corning Wastewater Treatment Plant	<b>Order No. 98-234</b> (NPDES Permit No. CA0004995) <i>Waste Discharge Requirements for City of Corning</i>		
	<b>Order No. R5-2004-0153</b> (NPDES Permit No. CA0004995) <i>Waste Discharge Requirements for City of Corning and Eco Resources Inc.</i>	10/19/1990	n/a

<b>TABLE 1A</b>			
<b>WWTP</b>	<b>Permit No.</b>	<b>Begin Operation</b>	<b>End Operation</b>
City of Willows Wastewater Treatment Plant	<b>Order No. R5-01-066</b> (NPDES Permit No. CA0078034) <i>Waste Discharge Requirements for City of Willows.</i> <b>Order No. R5-2006-0009</b> (NPDES Permit No. CA0078034) <i>Waste Discharge Requirements for City of Willows and Eco Resources Inc.</i>	01/01/2004	n/a
City of Winters Wastewater Treatment Plant	<b>Order No. R5-2002-0136</b> <i>Waste Discharge Requirements for City of Winters</i>	06/15/1989	n/a
Discovery Bay Wastewater Treatment Plant	<b>Order No. 99-096</b> <i>Waste Discharge Requirements for Town of Discovery Bay</i> <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i>	02/01/1999	12/31/2008
City of Rio Vista, Trilogy Wastewater Treatment Plant	<b>Order No. R5-2004-0092</b> (NPDES Permit No. CA0083771) <i>Waste Discharge Requirements for City of Rio Vista and Eco Resources, Inc., Trilogy Wastewater Treatment Plant</i>	10/30/2003	07/31/2005
City of Rio Vista, Beach Wastewater Treatment Plant	<b>Order No. 5-01-178</b> (NPDES Permit No. CA0079588) <i>Waste Discharge Requirements for the City of Rio Vista and Eco Resources Inc., Beach Wastewater Treatment Facility</i>	10/30/2003	07/31/2005

<b>TABLE 1A</b>			
<b>WWTP</b>	<b>Permit No.</b>	<b>Begin Operation</b>	<b>End Operation</b>
Cypress Ridge Wastewater Treatment Plant	<b>Order No. 97-66</b> <i>Waste Discharge Requirements for Cypress Ridge Sewer Facility</i>	05/27/2005	06/30/2008
Tejon Industrial Complex Wastewater Treatment Plant	<b>Order No. 99-076</b> <i>Waste Discharge Requirements for Tejon Ranch Corp, Tejon Industrial Complex Wastewater Treatment Facility</i>	09/27/2001	07/15/2005
Lamont Public Utilities District	<b>Order No. 98-043</b> <i>Waste Discharge Requirements for Lamont Public Utilities District</i>	11/08/1999	04/30/2010
Taft Federal Prison Wastewater Treatment Plant	<b>Order No. 96-035</b> <i>Waste Discharge Requirements for City of Taft Federal Prison Wastewater Treatment Facility</i> <b>Order No. R5-2004-0011</b> (NPDES Permit No. CA0083755) <i>Waste Discharge Requirements for City of Taft Federal Prison Wastewater Treatment Facility</i>	06/21/1995	n/a
City of Taft Wastewater Treatment Plant	<b>Order No. 5-00-080</b> (NPDES Permit No. CA0080161) <i>Waste Discharge Requirements for City of Taft, Taft Heights Sanitation District and United States Department of Energy</i>	06/21/1995	n/a
San Simeon Community Services District	<b>Order No. R3-2002-0046</b> (NPDES Permit No. CA 0047961) <i>Waste Discharge Requirements for the San Simeon Community Services District</i> <b>Order No. R3-2007-0024</b> (NPDES Permit No. CA 0047961) <i>Waste Discharge Requirements for San Simeon Community Services District</i>	06/01/2004	n/a

<b>TABLE 1A</b>			
<b>WWTP</b>	<b>Permit No.</b>	<b>Begin Operation</b>	<b>End Operation</b>
City of Santa Paula Wastewater Reclamation Facility	<b>Order No. 97-041</b> (NPDES Permit No. CA0054224) <i>Waste Discharge Requirements for City of Santa Paula and Ventura Regional Sanitation District</i>	08/01/2004	08/31/2010

WHEREAS, the Chief Deputy Director of the State Water Board, by and through the Prosecution Staff, and with the assistance of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff, investigated complaints regarding ECO's operation and maintenance of the WWTPs listed in Table 1A, above;

WHEREAS, the Prosecution Staff alleges that ECO is responsible for violations of the Water Code related to its operation of the WWTPs listed in Table 1A, above. The specific alleged violations and potential liability are described in Exhibit A, attached hereto; and

WHEREAS, the Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by presenting this Stipulated Order to the State Water Board for adoption as an order by settlement, pursuant to Government Code section 11415.60. The terms of settlement in this matter were agreed to by the Parties prior to the May 20, 2010 effective date of the State Water Board's Water Quality Enforcement Policy (Policy). Since the effective date of the Policy, the Parties have been memorializing the terms of settlement; no further material negotiations have occurred. The Prosecution Staff 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 specific violations alleged in Exhibit A, except as provided in the Stipulated Order, and that this Stipulated Order is in the best interest of the public.

## **2. JURISDICTION**

The Parties agree that the State Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulated Order.

## **3. SETTLEMENT AND DISPUTED CLAIMS**

### **3.1 Denial of Liability**

ECO expressly denies the allegations described in Exhibit A and this Stipulated Order, and further specifically denies any violations or liability for penalties for violations arising out of or related to such allegations. 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 or any regional water quality control board against ECO.

### 3.2 Compliance with Regulations and Permits

ECO, as a registered contract operator, agrees to diligently maintain compliance with the operator certification and registration laws and to maintain compliance with the terms of the permits for the WWTPs it operates in California.

## 4. ADMINISTRATIVE CIVIL LIABILITY

Upon issuance of this Stipulated Order, ECO shall be liable for a total of ONE MILLION DOLLARS (\$1,000,000) in administrative civil liability, as set forth in Paragraphs 4.1 through 4.2, below.

### 4.1 Paid Liability

Within thirty (30) days of issuance of this Stipulated Order, ECO shall remit, by check, FIVE HUNDRED THOUSAND DOLLARS (\$500,000), payable to the *State Water Resources Control Board Cleanup and Abatement Account*, and shall indicate on the check the number of this Stipulated Order. ECO 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: Mark Bradley, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812, and David Boyers, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812.

### 4.2 Enhanced Environmental Improvement Credit

4.2.1. Against ECO's total liability of \$1,000,000, ECO may be credited up to FIVE HUNDRED THOUSAND DOLLARS (\$500,000) for costs incurred for actions that ECO voluntarily took between January 28, 2008 and the date of this Order that exceed regulatory requirements related to ECO's operation and maintenance of WWTPs in California ("Enhanced Environmental Improvements"). The cost of these Enhanced Environmental Improvements will be treated as a Suspended Administrative Civil Liability. Such actions that may receive credit include the following:

- a. Implementation of environmental software programs such as, ENVIANCE and OP 10, to permit ongoing tracking of WWTP operations and compliance with effluent limitations.
- b. Development and implementation of a written field operation compliance plan, including standard operating procedures and directives to address operational issues at WWTPs operated by ECO and an audit program to ensure the compliance plan is followed.
- c. Development and implementation of software to track WWTP maintenance activities, such as Antero.

4.2.2. By no later than January 31, 2011 or thirty (30) days after issuance of this Stipulated Order, whichever occurs later, ECO shall provide evidence reasonably acceptable to the Director of the State Water Board's Office of Enforcement that it has expended monies in the amount set forth in Paragraph 4.2.1. above, including, without limitation, a certified report prepared by an independent third party providing such party's professional opinion that (1) ECO has expended monies in the amounts claimed by ECO, and (2) the actions taken were in excess of applicable regulatory requirements.

4.2.3. In the event that ECO is not able to demonstrate to the reasonable satisfaction of the Director of the Office of Enforcement that it has expended FIVE HUNDRED THOUSAND DOLLARS (\$500,000) in Enhanced Environmental Improvement costs, ECO shall pay the difference between the amount reasonably accepted by the Director of the Office of Enforcement as Enhanced Environmental Improvement costs and FIVE HUNDRED THOUSAND DOLLARS (\$500,000), as an administrative civil liability. The amount of the Suspended Administrative Civil Liability owed shall be determined via a "Motion for Payment of Suspended Administrative Civil Liability" before the State Water Board. Upon a determination by the State Water Board of the amount of the Suspended Administrative Civil Liability assessed, the amount owed shall be paid within thirty (30) days of the order containing such determination becoming final and shall be paid by check, payable to the *State Water Resources Control Board Cleanup and Abatement Account*, and shall indicate on the check the number of this Stipulated Order. Submission of the check shall be in accordance with Paragraph 4.1, above.

## **5. INVESTIGATION AND ENFORCEMENT COSTS**

Within one hundred eighty days (180) days of issuance of this Stipulated Order, ECO shall remit, by check, TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), payable to the *State Water Resources Control Board Cleanup and Abatement Account*, as reimbursement for the State Water Board's costs of investigation and enforcement with respect to or arising out of the Covered Matters (as defined below) and this Order. ECO shall indicate on the check the number of this Stipulated Order, and 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: Mark Bradley, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812, and David Boyers, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812.

## **6. MATTERS COVERED BY THIS STIPULATED ORDER**

a. Upon adoption by the State Water Board, this Stipulated Order represents a final and binding resolution and settlement of, and a covenant not to sue or pursue civil or administrative claims with respect to, all claims, violations or causes of action alleged in this Order or which could have been asserted by the State Water Board, the Central Valley Water Board, the Central Coast Regional Water Quality Control Board, or the Los Angeles Regional Water Quality Control Board against ECO and its officers, agents, directors, employees, contractors, subcontractors, attorneys, representatives, predecessors-in-interest, parent and/or affiliated companies and successors, as of the effective date of this Stipulated Order, based on or arising out of the facts and alleged violations referenced in Exhibit A or in this Stipulated Order, including an action against ECO's contract operator registration pursuant to Water Code

section 13627.3, subdivision (c) or California Code of Regulations, Title 23, section 3719.17 ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on ECO's full payment of administrative civil liability by the deadlines specified in Paragraph 4.1 of and its full satisfaction of the obligations described in Paragraph 4.2.

b. As of the effective date of this Order and other than the Covered Matters, there are no violations by ECO of Title 23, California Code of Regulations, Section 3719 *et seq.* of which the Prosecution Staff is aware or as to which the Prosecution Staff currently intends to pursue any enforcement action.

#### **7. COVENANT NOT TO SUE**

Upon the effective date of this Stipulated Order, ECO shall and does release, discharge and covenant not to sue or pursue and civil or administrative claims against the State Water Board, including its officers, agents, directors, employees, contractors, subcontractors, attorneys, representatives, predecessors-in-interest, and successors and assigns for any and all claims or causes of action, of every kind and nature whatsoever, in law and equity, whether known or unknown, suspected or unsuspected, foreseen or unforeseen, which arise out of or are related to the Covered Matters. Notwithstanding the foregoing, nothing contained in this Order shall be deemed to preclude ECO from (a) opposing and raising all applicable defenses and objections to any Motion for Payment of Suspended Administrative Civil Liability brought pursuant to Section 4.2.3 of this Order, (b) enforcing its rights under this Order, or (c) from raising all applicable defenses and objections with respect to any future claims, proceedings or actions of any kind by the State Water Board, except as described in Paragraph 10.

#### **8. PUBLIC NOTICE**

The Parties agree that the proposed Stipulated Order, as signed by the Parties, will be noticed for a 30-day public comment period prior to being presented to the State Water Board for adoption. If the State Water Board Chief Deputy Director or other Prosecution Staff receives significant new information that reasonably affects the propriety of presenting this Stipulated Order to the State Water Board for adoption, the State Water Board Chief Deputy Director may unilaterally declare this Stipulated Order void and decide not to present the Order to the State Water Board. ECO agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

#### **9. 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.

#### **10. WAIVERS**

In the event that this Stipulated Order does not take effect because it is not approved by the State Water Board, or is vacated in whole or in part by a court, the

Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the State Water Board and/or Central Valley Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. 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 the hearing. 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 State Water Board or Central Valley Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the State Water Board or 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 this Stipulated Order may be subject to administrative or judicial review.

**11. APPEALS**

ECO hereby waives its right to appeal this Stipulated Order to a California Superior Court and/or any California appellate level court or any other judicial body.

**12. 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 Prosecution Staff or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.

**13. WATER BOARDS NOT LIABLE**

Neither the State Water Board or Central Valley Water Board members, staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by ECO, its employees, representative agents, attorneys, or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the State Water Board or Central Valley Water Board members, staff, attorneys or representatives be held as parties to or guarantor of any contract entered into by ECO, its employees, representative agents, attorneys, or contractors in carrying out activities required pursuant to this Stipulated Order.

**14. NO WAIVER OF RIGHT TO ENFORCE**

The failure of the Prosecution Staff or State 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 Staff or State Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. The failure of ECO to raise any defense, claim or argument shall not be deemed an admission that such defense, claim or argument does not apply or in any way limit or preclude ECO from raising such defense, claim or argument with respect to any matter. 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.

**15. REGULATORY CHANGES**

Nothing in this Stipulated Order shall excuse ECO from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

**16. AUTHORITY TO ENTER STIPULATED ORDER**

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.

**17. 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.

**18. MODIFICATION OF STIPULATED ORDER**

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 or its Executive Director.

**19. 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.

**20. 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.

**21. NOTICE**

All submissions and notices required by this Stipulated Order shall be sent to:

For Prosecution Staff:

David M. Boyers  
Staff Counsel III Supervisor  
State Water Resources Control Board  
Office of Enforcement  
P.O. Box 100  
Sacramento, CA 95812

Mark Bradley  
Senior Water Resource Control Engineer  
State Water Resources Control Board  
Office of Enforcement  
P.O. Box 100  
Sacramento, CA 95812

For ECO:

Ken Dix  
Vice President, General Counsel & Secretary  
Southwest Water Company  
One Wilshire Building  
624 South Grand Avenue, Suite 2900  
Los Angeles, CA 90017

John F. Cermak Jr.  
Baker Hostetler LLP  
12100 Wilshire Boulevard, 15th Floor  
Los Angeles, CA 90025

**22. NECESSITY OF WRITTEN APPROVALS**

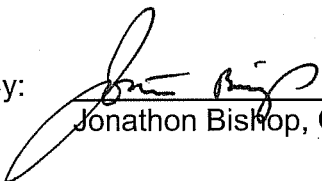
All approvals and decisions of the State Water Board under the terms of this Stipulated Order shall be communicated to ECO in writing. No oral advice, guidance, suggestions or comments by employees or officials of the State Water Board regarding submissions or notices shall be construed to relieve ECO of its obligation to obtain any final written approval required by this Order.

**23. INCORPORATION OF EXHIBITS**

Exhibit "A" is incorporated by reference.

IT IS SO STIPULATED:

State Water Board Prosecution Staff

By:  \_\_\_\_\_  
Jonathon Bishop, Chief Deputy Director

12/16/2010  
Date

ECO RESOURCES, INC.

By: \_\_\_\_\_  
Floyd E. Wicks, President

\_\_\_\_\_  
Date

Mark Bradley  
Senior Water Resource Control Engineer  
State Water Resources Control Board  
Office of Enforcement  
P.O. Box 100  
Sacramento, CA 95812

For ECO:

Ken Dix  
Vice President, General Counsel & Secretary  
Southwest Water Company  
One Wilshire Building  
624 South Grand Avenue, Suite 2900  
Los Angeles, CA 90017

John F. Cermak Jr.  
Baker Hostetler LLP  
12100 Wilshire Boulevard, 15th Floor  
Los Angeles, CA 90025

**22. NECESSITY OF WRITTEN APPROVALS**

All approvals and decisions of the State Water Board under the terms of this Stipulated Order shall be communicated to ECO in writing. No oral advice, guidance, suggestions or comments by employees or officials of the State Water Board regarding submissions or notices shall be construed to relieve ECO of its obligation to obtain any final written approval required by this Order.

**23. INCORPORATION OF EXHIBITS**

Exhibit "A" is incorporated by reference.

IT IS SO STIPULATED:

State Water Board Prosecution Staff

By: \_\_\_\_\_  
Jonathon Bishop, Chief Deputy Director

\_\_\_\_\_  
Date

ECO RESOURCES, INC.

By: Floyd E. Wicks  
Floyd E. Wicks, President

12-17-10  
Date

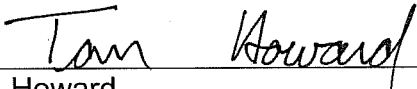
**HAVING CONSIDERED THE ALLEGATIONS AND THE PARTIES' STIPULATIONS,  
THE STATE WATER BOARD FINDS THAT:**

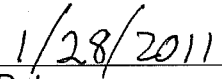
24. Issuance of this Stipulated Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with sections 15061(b)(3) and 15321(a)(2), of Title 14 of the California Code of Regulations.

25. In adopting this Stipulated Order, the State Water Board has considered all the factors prescribed in Water Code section 13327 and 13385(e). The State Water Board's consideration of these factors is based upon information and comments provided by the Parties and by members of the public.

26. Because the terms of settlement in this matter were agreed to by the Parties prior to the May 20, 2010 effective date of the State Water Board's Water Quality Enforcement Policy (Policy), the Policy is not applicable to this Stipulated Order.

PURSUANT TO WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60, **IT IS HEREBY ORDERED** ON BEHALF OF THE STATE WATER BOARD.

  
\_\_\_\_\_  
Tom Howard  
Executive Director

  
\_\_\_\_\_  
Date

**EXHIBIT A TO STIPULATED ORDER –  
ALLEGATIONS**

Capitalized terms used in this Exhibit A and not specifically defined have the meaning ascribed to such terms in the Stipulated Order to which this Exhibit A is attached.

<b>WWTP</b>	<b>Alleged Violations<sup>1</sup></b>	<b>Days/# of Violation(s)<sup>2</sup></b>	<b>Potential Maximum Administrative Civil Liability</b>
City of Corning Wastewater Treatment Plant	1. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, allowed the operation of the City of Corning WWTP by an individual who did not hold a valid and unexpired certificate of the appropriate grade issued by the State Water Board, for which liability may be imposed pursuant to Water Code section 13627.1(b).	168	168 X \$100 = <b>\$16,800</b>

<sup>1</sup> Each alleged violation references liability under a specific Water Code provision. To the extent that the same facts might give rise to a violation and liability under other provisions of the Water Code (for example, if the facts alleged to be a willful or negligent violation of waste discharge requirements order or permit also could be alleged to be a basis for alleging failure to use reasonable care in the operation of a waste water treatment system), all potential violations and any associated administrative civil liability associated with the facts on which the alleged violation is based are deemed to be within the scope of Covered Matters. Those violations that refer to a failure to use "reasonable care" are intended to encompass allegations of negligence and/or "poor care and judgment." Notwithstanding the above, Covered Matters do not include liability for mandatory minimum penalties under Water Code section 13385(h), 13385(i) or 13385.1.

<sup>2</sup> With respect to any alleged violation, the identification of the number of violations or number of days of violation is based on a determination by the Prosecution Staff of the number or days of violation it might elect to pursue based on the facts with respect to the alleged violation. That is also the case with respect to any estimate of the size (in gallons) of any release. As to each alleged violation, all potential violations, number of days of violation and claims arising out of a release or discharge (irrespective of any estimate of the number of gallons associated with such release or discharge), together with any associated administrative civil liability with respect to the alleged violation, are deemed to be within the scope of Covered Matters.

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Corning Wastewater Treatment Plant	<p>2. Between January 1, 2005 and December 31, 2006 and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2004-0153</b> (NPDES Permit No. CA0004995) <i>Waste Discharge Requirements for City of Corning and Eco Resources Inc.</i>, by failing to monitor and report on parameters required by <b>Order No. R5-2004-0153</b> (including, but not limited to sampling for ammonia, flow, biochemical oxygen demand, total dissolved solids, pH, coliform, conductivity, chlorine residual, and receiving water characteristics), for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).</p>	140	$140 \times \$10,000 = \$1,400,000$
City of Corning Wastewater Treatment Plant	<p>3. Between January 1, 2004 and through and following the expiration of the permit referenced below, willfully or negligently caused or allowed a violation of <b>Order No. 98-234</b> (NPDES Permit No. CA0004995) <i>Waste Discharge Requirements for City of Corning</i>, by failing to monitor and report on parameters required by <b>Order No. 98-234</b> (including, but not limited to sampling and reporting on receiving water characteristics), for which liability may be imposed pursuant to Water Code section 13627.1(c).</p>	1	$1 \times \$5,000 = \$5,000$

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Corning Wastewater Treatment Plant	4. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Corning WWTP by sampling for coliform prior to dechlorination and otherwise failing to take representative samples, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
City of Corning Wastewater Treatment Plant	5. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Corning WWTP by failing to perform effective monitoring for chlorine residual (including failing to meet a deadline for installation of new monitoring equipment and failing to ensure that monitoring equipment was calibrated and that an alarm system was operative), for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
City of Corning Wastewater Treatment Plant	6. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Corning WWTP by failing to ensure accurate sampling of bioassay (including collecting samples under circumstances in which the samples would not be representative), for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Willows Wastewater Treatment Plant	<p>7. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-01-066</b> (NPDES Permit No. CA 0078034) and <b>Order No. R5-2006-0009</b> (NPDES Permit No. CA0078034) <i>Waste Discharge Requirements for City of Willows and Eco Resources Inc.</i>, by failing to monitor and report on parameters required by <b>Order No. R5-01-066</b> and <b>Order No. R5-2006-0009</b> (including, but not limited to, ammonia, biochemical oxygen demand, chlorine residual, coliform, and total suspended solids) and/or failing to monitor and report such parameters with the frequency and on the schedule required by such orders, for which liability may be imposed pursuant to Water Code section 13385(a)(2) and/or 13627.1(c).</p>	668	668 X \$10,000 = <b>\$6,680,000</b>
City of Willows Wastewater Treatment Plant	<p>8. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Willows WWTP by failing to submit accurate monitoring data for chlorine residual, for which liability may be imposed pursuant to Water Code section 13627.1(c).</p>	25	25 X \$5,000 = <b>\$125,000</b>



WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Willows Wastewater Treatment Plant	9. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Willows WWTP by failing to maintain and calibrate the chlorine residual analyzer, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
City of Willows Wastewater Treatment Plant	10. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Willows WWTP by using an unauthorized algaecide, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
City of Willows Wastewater Treatment Plant	11. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Willows WWTP by using an improper dechlorination procedure, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Willows Wastewater Treatment Plant	12. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the City of Willows WWTP by failing to prevent excess coliform levels in effluent, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
City of Winters Wastewater Treatment Plant	13. Between January 1, 2005 and December 31, 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2002-0136, Waste Discharge Requirements for City of Winters</b> , by failing to monitor and report on parameters required by <b>Order No. R5-2002-0136</b> , for which liability may be imposed pursuant to Water Code section 13627.1(c).	66	66 X \$5,000 = <b>\$330,000</b>
City of Winters Wastewater Treatment Plant	14. In or after September 2005 and at other times through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2002-0136, Waste Discharge Requirements for City of Winters</b> , by failing to timely submit a monitoring report or submitting incomplete monitoring reports for the months of September 2005, February 2006, June 2006, October 2006 and December 2006, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Winters Wastewater Treatment Plant	15. On or about December 2-3, 2006, willfully or negligently caused or allowed a violation of <b>Order No. R5-2002-0136, Waste Discharge Requirements for City of Winters</b> , by failing to restore power following maintenance on one of the WWTP's lift stations, resulting in a spill of 43,000 gallons of raw sewage to Putah Creek, for which liability may be imposed pursuant to Water Code section 13627.1(c).	2	2 X \$5,000 = <b>\$10,000</b>
City of Winters Wastewater Treatment Plant	16. Between January 1, 2005 and December 31, 2006, and at other times prior to December 31, 2008, failed to use reasonable care in the operation of the City of Winters Wastewater Treatment Plant by failing to perform and document maintenance and ensure that staff could properly operate plant equipment (including the chlorine monitor), for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
Discovery Bay Wastewater Treatment Plant	17. Between December 1, 2003 and December 31, 2008, allowed the operation of the Town of Discovery Bay WWTP by an individual who did not hold a valid and unexpired certificate of the appropriate grade issued by the State Water Board, for which liability may be imposed pursuant to Water Code section 13627.1(b).	158	158 X \$100 = <b>\$15,800</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	18. On April 5, 19, and 20, 2008, May 10, 11 and 31, 2008, June 1, 7, 8, 28 and 29, 2008, July 19 and 20, 2008, August 9, 10, 30 and 31, 2008, September 1, 20 and 21, 2008, and other dates through December 31, 2008, allowed the operation of the Town of Discovery Bay WWTP by an individual who did not hold a valid and unexpired certificate of the appropriate grade issued by the State Water Board (including permitting operators in training to work without a certified operator of an appropriate grade being present), for which liability may be imposed pursuant to Water Code section 13627.1(b).	20	20 X \$100 = <b>\$2,000</b>
Discovery Bay Wastewater Treatment Plant	19. In its operation of the Discovery Bay WWTP between January 1, 2004 and to and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to collect effluent samples at a point and in a manner to ensure a representative sample of the discharge as required by <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	20. In its operations of the Discovery Bay WWTP between January 1, 2004 and to and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to collect representative composite samples in compliance with sampling procedures in the Monitoring and Reporting Program of <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	<p>21. In its operation of the Discovery Bay WWTP from January 1, 2004 to and through December 31, 2008, failed to use reasonable care by failing to perform appropriate and necessary maintenance (including without limitation, failing to regularly exercise and test generators and other equipment, failing to maintain ultraviolet (UV) treatment systems, failing to calibrate flow meters, failure to properly clean and maintain screens within the WWTP, failing to ensure that the flow meters were working and accurately reporting flows, failing to ensure that aerators were operational, failure to remove vegetation in sludge holding lagoons and the emergency overflow basin, and failing to troubleshoot and identify equipment issues associated with power failures), to maintain appropriate levels of dissolved oxygen, to properly calculate influent and other flows, or to otherwise properly operate the WWTP, for which liability may be imposed pursuant to Water Code section 13627.1(c).</p>	1	1 X \$5,000 = \$5,000

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	22. On or about April 19-20, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , when treated effluent was discharged to Reclamation District No. 8 ditch, in violation of Discharge Prohibition A.2 of <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	2	2 X \$10,000 = <b>\$20,000</b>
Discovery Bay Wastewater Treatment Plant	23. Willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to provide a timely and complete report of the April 19-20, 2008 discharge described in Paragraph 21, above, in violation of Standard Provision B.1 <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>
Discovery Bay Wastewater Treatment Plant	24. On or about July 17-18, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , when 100,000 gallons of raw sewage was discharged from the Town of	2	2 X \$10,000 = <b>\$20,000</b>
		99,000 [gallons discharged and not cleaned up in excess of 1,000	<b>\$990,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
	Discovery Bay WWTP Collection System and entered the man-made lake at the community of Lakeshore, in violation of Discharge Prohibition A.3 of <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	gallons] X \$10/gal.	
Discovery Bay Wastewater Treatment Plant	25. During the July 17-18, 2008 event described in Paragraph 24 above, and subsequent thereto, willfully and negligently caused a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to take appropriate steps to respond to and address the spill, for which liability may be imposed under Water Code section 13385(a)(2) or 13627.1(c). <sup>3</sup>	1	1 x \$10,000 = <b>\$10,000</b>

<sup>3</sup> Covered Matters do not include the Central Valley Regional Board's right to issue an order to ECO pursuant to Water Code section 13304 with respect to the cleanup of the spill that is the basis of this allegation.



WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	26. Willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to provide a timely and complete report of the July 17-18, 2008 discharge described in Paragraph 24, above, in violation of Standard Provision B.1 <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>
Discovery Bay Wastewater Treatment Plant	27. On or about September 29, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , when 500 gallons of raw sewage was discharged from the Town of Discovery Bay WWTP Collection System, in violation of Discharge Prohibition A.1 of <b>Order No. R5-2003-0067</b> , for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>
Discovery Bay Wastewater Treatment Plant	28. On or about November 10, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco</i>	1	1 X \$10,000 = <b>\$10,000</b>
		19,000 [gallons discharged and not	<b>\$190,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
	<p><i>Resources Inc.</i>, when 20,000 gallons of raw sewage was discharged from the Town of Discovery Bay WWTP Collection System, in violation of Discharge Prohibition A.1 of <b>Order No. R5-2003-0067</b>, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).</p>	<p>cleaned up in excess of 1,000 gallons] X \$10/gal.</p>	
<p>Discovery Bay Wastewater Treatment Plant</p>	<p>29. Willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i>, by failing to provide a timely and complete report of the November 10, 2008 discharge described in Paragraph 28, above, in violation of Standard Provision B.1 <b>Order No. R5-2003-0067</b>, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).</p>	<p>1</p>	<p>1 X \$10,000 = <b>\$10,000</b></p>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	<p>30. On or about December 17, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i>, when raw sewage was discharged from the Town of Discovery Bay WWTP Collection System and entered four storm drain catch basins which ultimately drain into Reclamation District No. 800 ditch, in violation of Discharge Prohibition A.3 of <b>Order No. R5-2003-0067</b>, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).</p>	1	1 X \$10,000 = <b>\$10,000</b>
Discovery Bay Wastewater Treatment Plant	<p>31. Willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i>, by failing to provide a timely and complete report of the December 17, 2008 discharge described in Paragraph 30, above, in violation of Standard Provision B.1 <b>Order No. R5-2003-0067</b>, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).</p>	1	1 X \$10,000 = <b>\$10,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	32. In its operations of the Discovery Bay WWTP between January 1, 2004 and to and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by failing to maintain proper calibration records for PH, flow and dissolved oxygen meters, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>
Discovery Bay Wastewater Treatment Plant	33. In its operations of the Discovery Bay WWTP between January 1, 2004 and to and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by permitting freeboard on the aerobic digester to be less than two feet, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 X \$10,000 = <b>\$10,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Discovery Bay Wastewater Treatment Plant	34. In its operations of the Discovery Bay WWTP between January 1, 2004 and to and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2003-0067</b> (NPDES Permit No. CA0078590) <i>Waste Discharge Requirements for the Town of Discovery Bay and Eco Resources Inc.</i> , by not properly taking transmittance readings for the UV system, for which liability may be imposed pursuant to Water Code sections 13385(a)(2) and/or 13627.1(c).	1	1 x \$10,000 = <b>\$10,000</b>
City of Rio Vista, Trilogy Wastewater Treatment Plant	35. Between September 1, 2004 and December 31, 2004, and on other dates through July 31, 2005, allowed the operation of the City of Rio Vista, Trilogy WWTP by an individual who did not hold a valid and unexpired certificate of the appropriate grade issued by the State Water Board, for which liability may be imposed pursuant to Water Code section 13627.1(b).	114	114 X \$100 = <b>\$11,400</b>
City of Rio Vista, Trilogy Wastewater Treatment Plant	36. Between September 1, 2004 and December 31, 2004, and on other dates through July 31, 2005, failed to use reasonable care in the operation of the City of Rio Vista, Trilogy WWTP by failing to perform required maintenance and/or to document such maintenance, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 x \$5,000 = <b>\$5,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Rio Vista, Beach Wastewater Treatment Plant	37. Between September 1, 2004 and December 1, 2004, and on other dates through July 31, 2005, allowed the operation of the City of Rio Vista, Beach WWTP by an individual who did not hold a valid and unexpired certificate of the appropriate grade issued by the State Water Board, for which liability may be imposed pursuant to Water Code section 13627.1(b).	26	26 X \$100 = <b>\$2,600</b>
Cypress Ridge Wastewater Treatment Plant	38. Between June 1, 2005 and December 31, 2006, and on other dates through July 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 97-66, Waste Discharge Requirements for Cypress Ridge Sewer Facility</b> , by failing to monitor and report on parameters required by <b>Order No. 97-66</b> (including, but not limited to, sampling of flows to the holding pond and sampling for turbidity, chlorine residual, flow and settleable solids), for which liability may be imposed pursuant to Water Code section 13627.1(c).	27	27 X \$5,000 = <b>\$135,000</b>
Cypress Ridge Wastewater Treatment Plant	39. Between July 1, 2005 and September 30, 2007, failed to report to the State Water Board that it had contracted to operate the Cypress Ridge Sewer Facility, as required under Water Code section 13627.3(a), and for which liability may be imposed pursuant to Water Code section 13627.3(f).	365	365 X \$1,000 = <b>\$365,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Tejon Industrial Complex Wastewater Treatment Plant	40. Between January 1, 2004 and August 31, 2005, willfully or negligently caused or allowed a violation of <b>Order No. 99-076, Waste Discharge Requirements for Tejon RanchCorp, Tejon Industrial Complex Wastewater Treatment Facility</b> , by failing to monitor and report on parameters required by <b>Order No. 99-076</b> (including, but not limited to, sampling for turbidity, pH, chlorine residual, coliform, biochemical oxygen demand, flow and total settleable solids), for which liability may be imposed pursuant to Water Code section 13627.1(c).	552	552 X \$5,000 = <b>\$2,760,000</b>
Tejon Industrial Complex Wastewater Treatment Plant	41. Between January 1, 2004 and July 15, 2005, willfully or negligently caused or allowed violations of effluent limitations of <b>Order No. 99-076, Waste Discharge Requirements for Tejon RanchCorp, Tejon Industrial Complex Wastewater Treatment Facility</b> , (including, but not limited to, limitations for turbidity, pH, chlorine residual, coliform, biochemical oxygen demand, and total settleable solids), for which liability may be imposed pursuant to Water Code section 13627.1(c).	616	616 X \$5,000 = <b>\$3,080,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Tejon Industrial Complex Wastewater Treatment Plant	42. Between January 1, 2004 and July 15, 2005, failed to use reasonable care in the operation of the Tejon Industrial Complex WWTP by failing to perform required maintenance (including with respect to the oil-water separator at the Petro Travel Center), staff the WWTP with appropriately trained waste water treatment plant operators, or properly collect and otherwise perform sampling activities, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
Lamont Public Utilities District Treatment Plant	43. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 98-043, Waste Discharge Requirements for Lamont Public Utilities District</b> , by failing to monitor and report on parameters required by <b>Order No. 98-043</b> (including, but not limited to, sampling for flow, freeboard, dissolved oxygen, pH, biochemical oxygen demand, and total suspended solids), for which liability may be imposed pursuant to Water Code section 13627.1(c).	91	91 X \$5,000 = <b>\$455,000</b>



WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Lamont Public Utilities District Treatment Plant	44. Between June 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 98-043, Waste Discharge Requirements for Lamont Public Utilities District</b> , by failing to timely monitor and report on groundwater sampling required by <b>Order No. 98-043</b> , for which liability may be imposed pursuant to Water Code section 13627.1(c).	54	54 X \$5,000 = <b>\$270,000</b>
Lamont Public Utilities District Treatment Plant	45. Between January 1, 2004 and through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 98-043, Waste Discharge Requirements for Lamont Public Utilities District</b> by not operating the WWTP in such a manner that there were effluent violations for various parameters (including biological oxygen demand and total settleable solids), for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
Lamont Public Utilities District Treatment Plant	46. Between January 1, 2004 and December 31, 2008, failed to use reasonable care in the operation of the WWTP by failing to perform required maintenance and to maintain proper records with respect to such maintenance and to properly perform sampling, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
Taft Federal Prison Wastewater Treatment Plant	47. Between January 1, 2004 and December 31, 2007, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R5-2004-0011</b> (NPDES Permit No. CA0083755), <i>Waste Discharge Requirements for City of Taft Federal Prison Wastewater Treatment Facility</i> , by failing to monitor and report on parameters required by <b>Order No. R5-2004-0011</b> (including, but not limited to, calculations of mass loading for biochemical oxygen demand and total suspended solids, and influent flow), for which liability may be imposed pursuant to Water Code section 13627.1(c).	831	831 X \$5,000 = <b>\$4,155,000</b>
City of Taft Wastewater Treatment Plant	48. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 5-00-080</b> (NPDES Permit No. CA0080161), <i>Waste Discharge Requirements for City of Taft, Taft Heights Sanitation District and United States Department of Energy</i> , by failing to monitor and report on parameters required by <b>Order No. 5-00-080</b> (including, but not limited to, influent flow), for which liability may be imposed pursuant to Water Code section 13627.1(c).	654	654 X \$5,000 = <b>\$3,270,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Taft Wastewater Treatment Plant	49. Between January 1, 2004 and December 31, 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed violations of effluent limitations for dissolved oxygen provided by <b>Order No. 5-00-080</b> (NPDES Permit No. CA0080161), <i>Waste Discharge Requirements for City of Taft, Taft Heights Sanitation District and United States Department of Energy</i> , for which liability may be imposed pursuant to Water Code section 13627.1(c).	25	25 X \$5,000 = <b>\$125,000</b>
San Simeon Community Services District Wastewater Treatment Plant	50. Between June 1, 2004 and December 31, 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R3-2002-0046</b> (NPDES Permit No. CA 0047961), <i>Waste Discharge Requirements for the San Simeon Community Services District</i> , by failing to monitor and report on parameters required by <b>Order No. R3-2002-0046</b> (including, but not limited to, chlorine residual, coliform, upcoast total coliform, downcoast total coliform, effluent turbidity settleable solids, pH, and effluent dissolved oxygen), for which liability may be imposed pursuant to Water Code section 13627.1(c).	55	55 X \$5,000 = <b>\$275,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
San Simeon Community Services District Wastewater Treatment Plant	51. On October 8, 9, 12, and 14, 2004, and at other times through December 31, 2008, failed to use reasonable care in the management or operation of the San Simeon WWTP by failing to follow standard operating procedures and ensure that coliform samples were taken and analyzed in the appropriate manner, for which liability may be imposed pursuant to Water Code section 13627.1(c).	4	4 X \$5,000 = <b>\$20,000</b>
San Simeon Community Services District Wastewater Treatment Plant	52. Between May 2004 and September 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R3-2002-0046</b> (NPDES Permit No. CA 0047961), <i>Waste Discharge Requirements for the San Simeon Community Services District</i> , by submitting sampling results which it knew or should have known might not be accurate, for which liability may be imposed pursuant to Water Code section 13627.1(c).	65	65 X \$5,000 = <b>\$325,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
San Simeon Community Services District Wastewater Treatment Plant	53. Between May 2004 and September 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. R3-2002-0046</b> (NPDES Permit No. CA 0047961), <i>Waste Discharge Requirements for the San Simeon Community Services District</i> , by not sampling in representative locations and an appropriate manner (including for chlorine residual and coliform), as required by such permit, for which liability may be imposed pursuant to Water Code section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
San Simeon Community Services District Wastewater Treatment Plant	54. Between May 1, 2005 and June 30, 2006, and at other times through December 31, 2008, willfully or negligently caused or allowed violations of effluent limitations for chlorine residual provided by <b>Order No. R3-2002-0046</b> (NPDES Permit No. CA 0047961), <i>Waste Discharge Requirements for the San Simeon Community Services District</i> , for which liability may be imposed pursuant to Water Code section 13627.1(c).	8	8 X \$5,000 = <b>\$40,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
San Simeon Community Services District Wastewater Treatment Plant	55. Between May 2004 and December 31, 2007, and on other dates through December 31, 2008, failed to use reasonable care in the operation of the San Simeon WWTP and exercising poor care and judgment by failing to properly maintain the WWTP, for which liability may be imposed pursuant to Water Code Section 13627.1(c).	69	69 X \$5,000 = <b>\$345,000</b>

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Santa Paula Wastewater Reclamation Facility	<p>56. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed a violation of <b>Order No. 97-041</b> (NPDES Permit No. CA 0054224), <i>Waste Discharge Requirements for the City of Santa Paula and Ventura Regional Sanitation District</i>, as applicable requirements under such Order were modified, or superceded or set forth in the Time Schedule Orders issued by the Los Angeles Regional Water Quality Control Board ("TSOs") and the Consent Judgment in Ventura County Superior Court Case No. 56-2007-00304441 between the City of Santa Paula and the Los Angeles Regional Water Quality Control Board ("Consent Judgment"), by failing to monitor and report on parameters in the manner or as required by <b>Order No. 97-041</b>, as modified by the TSOs and/or the Consent Judgment (including, but not limited to, for chlorine residual), for which liability may be imposed pursuant to Water Code section 13627.1(c).<sup>4</sup></p>	100	100 X \$5,000 = <b>\$500,000</b>

<sup>4</sup> ECO was not a party to the Consent Judgment, and violations of the Consent Judgment on the part of the City of Santa Paula are not intended to be included in the scope of the Covered Matters.

WWTP	Alleged Violations	Days/# of Violation(s)	Potential Maximum Administrative Civil Liability
City of Santa Paula Wastewater Reclamation Facility	57. Between January 1, 2004 and December 31, 2006, and on other dates through December 31, 2008, willfully or negligently caused or allowed violations of effluent limitations for chlorine residual provided by <b>Order No. 97-041</b> (NPDES Permit No. CA 0054224), <i>Waste Discharge Requirements for the City of Santa Paula and Ventura Regional Sanitation District</i> , as applicable requirements under such Order were modified or superceded or set forth in the TSOs and/or the Consent Judgment, for which liability may be imposed pursuant to Water Code section 13627.1(c).	15	15 X \$5,000 = <b>\$75,000</b>
City of Santa Paula Wastewater Reclamation Facility	58. Between January 1, 2004 and on other dates through December 31, 2008, failed to use reasonable care in the operation of the Santa Paula WWTP by failing to correct and appropriately manage the chlorination and dechlorination process and to maintain the WWTP, for which liability may be imposed pursuant to Water Code Section 13627.1(c).	1	1 X \$5,000 = <b>\$5,000</b>
			Total Maximum Potential Liability:  <b>\$26,223,600</b>