

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

In the Matter of:)	
)	
City of Holtville)	Order No. R7-2011-0003
Municipal Wastewater Treatment Plant)	
)	Settlement Agreement and Stipulation
Complaint No. R7-2010-0036 for)	for Entry of Order; Order (Proposed)
Administrative Civil Liability)	

Section I: Introduction

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order ("Stipulation") is entered into by and between the Regional Water Quality Control Board Prosecution Staff ("Prosecution Staff") and the City of Holtville (the "Discharger") (collectively "Parties") and is presented to the California Regional Water Quality Control Board, Colorado River Basin Region ("Regional Water Board") for adoption as an Order, by settlement, pursuant to Government Code section 11415.60. This Stipulation and Order are in reference to an adjudicative proceeding initiated by the issuance of Amended Administrative Civil Liability Complaint No. R7-2010-0036, dated September 9, 2010 (the "Complaint").

Section II: Recitals

1. The Discharger owns and operates a municipal wastewater treatment plant (WWTP) located at 1250 Kamm Road, Holtville, CA 92250 and provides sewerage service to the City of Holtville, a small community as defined by CWC Section 13385(k)(2). The wastewater treatment plant (WWTP) has a treatment capacity of 0.85 million gallons-per-day (MGD). Effluent from the WWTP system is discharged to the Pear Drain, a tributary to the Alamo River, and ultimately to the Salton Sea. The Pear Drain, the Alamo River, and the Salton Sea are waters of the United States.
2. The WWTP was subject to the requirements set forth in Waste Discharge Requirements (WDRs) Board Order No. 01-002 from March 14, 2001 through June 20, 2006. From the expiration of Board Order No. 01-002 to the date of this Stipulation, the Discharger is subject to the requirements set forth in WDRs Board Order No. R7-2006-0050, National Pollutant Discharge Elimination System Permit (NPDES) No. CA0104361.
3. On October 2, 2002, the Assistant Executive Officer issued Time Schedule Order (TSO) R7-2002-0175, exempting the Discharger from mandatory minimum penalties for exceeding the effluent limitation for E. coli in violation of WDRs Order No. 01-002 from October 2, 2002 until September 30, 2003. The exemption was contingent on the Discharger remaining in compliance with TSO R7-2002-0175. Because the Discharger remained in compliance with TSO R7-2002-0175, the Discharger is

exempted from mandatory penalties for exceeding the effluent limitation for E. coli in violation of WDRs Order No. 01-002 on fifty-nine (59) occasions beginning October 31, 2002 and continuing through September 30, 2003.

4. The Complaint recommends imposing an administrative civil liability totaling \$79,828, which includes \$63,000 in mandatory minimum penalties (“MMPs”) for violations of the effluent limitations set forth in Order Nos. 01-002 and R7-2005-0016 that occurred twenty-one times between October 22, 2003 and March 31, 2010 (“Alleged ACL Violations”); \$10,828 in discretionary civil liability for violations of Order No. R7-2006-0050 incurred by the Discharger for using an uncertified laboratory to perform E. coli analyses on thirty-five occasions between July 1, 2008 and January 28, 2009; and staff costs of \$6,000. The Alleged ACL Violations for which mandatory minimum penalties are recommended are detailed in Attachment “A” attached hereto and incorporated by reference. The Alleged ACL Violations for which discretionary penalties are recommended are detailed in Attachment “B” attached hereto and incorporated by reference.
5. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation and by presenting this Stipulation to the Regional Water Board for adoption as an Order pursuant to Government Code section 11415.60. The Prosecution Team believes that the resolution of the violations alleged in the Complaint is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning those except as provided in this Stipulation and that this Stipulation is in the best interest of the public.
6. To resolve the violations alleged in the Complaint by consent and without further administrative proceedings, the Parties have agreed to the imposition of \$79,828 in civil liability against the Discharger. The Discharger shall pay a total of \$16,828 to the State Water Resources Control Board Cleanup and Abatement Account, \$6,000 of which is for staff costs. The remaining \$63,000 in mandatory minimum penalties shall be suspended upon completion of the Compliance Project (“CP”) as set forth in this Stipulation and Order.

Section III: Stipulations

The Parties stipulate to the following.

7. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability totaling \$79,828, as set forth in Paragraph 6 of Section II herein. Within 30 days of the issuance the Order, the Discharger agrees to pay a total of \$16,828 to the State Water Resources Control Board Cleanup and Abatement Account. Further, the Parties agree that \$63,000 of this administrative liability, which consists of mandatory minimum penalties, shall be suspended (“Suspended Liability”) pending completion of the CP to complete a WWTP Engineering Report, as set forth in Paragraphs 8 through 16 of Section III herein and Attachment “C” attached hereto and incorporated by reference.

8. **CP Description:** The Parties agree that this resolution includes the performance of a CP as provided for as follows:

The goal of the WWTP Engineering Report is to identify and provide recommendations to bring the Discharger's WWTP into compliance with the Final Effluent Limitations set forth in WDRs Order No. R7-2006-0050 within five years. Specifically, the report would address violations of the following effluent limitations; E. coli, BOD₅, TSS, Nickel, Copper, Bis(2-ethylhexyl)phthalate, and Ammonia. Addressing violations of the effluent limitation for Ammonia will also assist the City of Holtville in complying with Cease and Desist Order No. R7-2009-0061.

The proposed Wastewater Treatment Plant Engineering Report will include an analysis of the existing treatment plant facilities and operation, identification and review of alternative treatment and technology measures required to comply with the Final Effluent Limitations set forth in WDRs Order No. R7-2006-0050, provide a schedule for recommended wastewater treatment plant improvements and the cost of those improvements. Detailed plans concerning how the Discharger will implement this CP, as well as, an implementation Schedule, Milestone Dates, and budget are provided in the CP proposal included herein as Attachment "C".

9. **CP Completion Dates:** The CP shall be concluded by September 27, 2011 ("CP Completion Date"), and a final report shall be provided to the Regional Water Board by October 31, 2011, as described in Paragraph 11.

10. **Agreement of Discharger to Utilize the Suspended Liability, and Report and Guarantee Implementation of CP:** The Discharger represents that: (1) it will utilize the Suspended Liability to implement the CP and understands that no additional liability above and beyond the \$63,000 shall be suspended for costs incurred to complete the CP; (2) it will provide a final report to the Regional Water Board consistent with the terms of this Stipulation detailing the implementation of the CP and certifying completion of the CP; (3) it will attach a cover letter to the final report that clearly identifies the Discharger, WDID number, and ACL Order Number R7-2010-0052 and includes the following statement: "I declare under the penalty of perjury under the laws of the State of California that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."; and (4) it will guarantee implementation of the CP identified in Attachment "C" by remaining liable for the Suspended Liability until the CP is completed and accepted by the Regional Water Board in accordance with the terms of this Stipulation. The Discharger agrees that the Regional Water Board has the right to require an audit of the funds expended by it to implement the CP.

11. **Final Report and Certification of Completion of CP:** On or before the CP Completion Date, the Discharger shall submit a certified statement of completion of the CP ("Certification of Completion"). The Certification of Completion shall be submitted under penalty of perjury under the laws of the State of California, to the Regional Water Board staff, by a responsible official representing the Discharger. The Certification of Completion shall include following:
- a. Certification that the CP has been completed in accordance with the terms of this Stipulation. Such documentation may include photographs, invoices, receipts, certifications, and other materials reasonably necessary for the Regional Water Board to evaluate the completion of the CP and the costs incurred by the Discharger.
 - b. Certification documenting the expenditures by the during the completion period for the CP. In making such certification, the official may rely upon the Discharger's normal project tracking systems that capture employee time expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. The certification need not address any costs incurred by the Regional Water Board for oversight. The Discharger shall provide any additional information requested by the Regional Water Board staff which is reasonably necessary to verify CP expenditures.
 - c. Certification that the Discharger followed all applicable environmental laws and regulations in the implementation of the CP including but not limited to the California Environmental Quality Act (CEQA), the federal Clean Water Act, and the Porter-Cologne Act.
12. **Third Party Financial Audit of CP:** At the written request of Regional Water Board staff, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Regional Water Board staff providing such party's(ies)' professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to Regional Water Board staff within three (3) months of notice from Regional Water Board staff to the Discharger of the need for an independent third party audit. The audit need not address any costs incurred by the Regional Water Board for oversight.
13. **Regional Water Board Acceptance of Completed CP:** Upon the Discharger's satisfaction of its CP obligations under this Stipulation and completion of the CP and any audit requested by the Regional Water Board, Regional Water Board staff shall send the Discharger a letter recognizing satisfactory completion of its obligations under the CP. This letter shall terminate any further CP obligations of the Discharger and result in the permanent stay of the Suspended Liability.

14. **Failure to Expend the Entire Suspended Liability on the Approved CP:** In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Regional Water Board staff that the entire Suspended Liability has been spent to complete the components of the CP for which the Discharger is financially responsible, the Discharger shall pay the difference between the Suspended Liability and the amount the Discharger can demonstrate was actually spent on the CP, as an administrative civil liability. The Discharger shall pay the additional administrative liability within 30 days of its receipt of notice of the Regional Water Board's determination that the Discharger has failed to demonstrate that the entire Suspended Liability has been spent to complete the CP components.
15. **Failure to Complete the CP:** If the Discharger fails to complete the CP by the CP Completion Date (as defined in Paragraph 9 in Section III herein) required by this Stipulation, Regional Water Board staff shall issue a Notice of Violation. As a consequence, the Discharger shall be liable to pay the entire Suspended Liability or, some portion thereof, or the Discharger may be compelled to complete the CP.
16. **Compliance with Applicable Laws:** The Discharger understands that payment of administrative civil liability in accordance with the terms of this Stipulation and the Order and/or compliance with the terms of this Stipulation and the Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in the Complaint may subject them to further enforcement, including additional administrative civil liability.
17. **Party Contacts for Communications related to this Stipulation and/or the Order:**

For the Regional Water Board:

Doug Wylie, Senior Water Resource Control Engineer
Colorado River Basin Region, Regional Water Board
73-720 Fred Waring Drive, Suite 200
Palm Desert, CA 92260
DWylie@waterboards.ca.gov
(760) 346-6585

For the Discharger:

Frank Cornejo, Waterworks Supervisor
City of Holtville
121 West Fifth Street
Holtville, CA 92250-1298
fcornejo@holtville.c.gov
(760) 356-3186

18. **Attorney's Fees and Costs:** Each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
19. **Matters Addressed by Stipulation:** Upon the Regional Water Board's adoption of the Order incorporating the terms of this Stipulation, this Stipulation represents a final and binding resolution and settlement of the violations alleged in the Complaint ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on the full payment of the administrative civil liability by the deadline specified in Paragraph 7 and the Discharger's full satisfaction of the CP obligations described herein.
20. **Public Notice:** Federal law mandates that any settlement will not become final until after a 30-day public notice and comment period expires. (40 CFR 123.27.) On August 19, 2010, the Assistant Executive Officer issued the Complaint and provided notice to the public that the violations alleged in the Complaint could be resolved by settlement, including, but not limited to performance of a CP. Thus, the terms of this Stipulation and Order have been properly noticed and the required public comment period expired September 18, 2010 without comment.
21. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for adopting the Order by the Regional Water Board and review of this Stipulation by the public is lawful and adequate. In the event procedural objections are raised prior to the 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.
22. **Interpretation:** This Stipulation and Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
23. **Modification:** This Stipulation and Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved the Regional Water Board or its delegee.
24. **If Order Does Not Take Effect:** In the event that this Order does not take effect because it is not approved by the Regional Water Board, or its delegee, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional 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 agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulation and/or the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Complaint in this matter; or
 - b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
25. **Waiver of Hearing:** The Discharger has been informed of the rights provided by CWC section 13323, subdivision (b), and hereby waives its right to a hearing before the Regional Water Board prior to the adoption of the Order.
26. **Waiver of Right to Petition:** The Discharger hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Resources Control Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
27. **Regional Water Board is Not Liable:** Neither the Regional Water Board members nor the Regional or State Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulation, Order, or CP, nor shall the Regional Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the Discharger, its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulation and Order.
28. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any Covered Matter.
29. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Regional Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Order.

- 30. **Authority to Bind:** Each person executing this Stipulation in a representative capacity represents and warrants that he or she is authorized to execute this Stipulation on behalf of and to bind the entity on whose behalf he or she executes the Stipulation.
- 31. **Effective Date:** This Stipulation is effective and binding on the Parties upon the entry of this Order by the Regional Water Board or its delegee, which incorporates the terms of this Stipulation.
- 32. **Counterpart Signatures:** This Stipulation 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.

**California Regional Water Quality Control Board,
Colorado River Basin Region Prosecution Team**

Date: 12/3/2010 By: Jose Angel, P.E.
Jose L. Angel,
Assistant Executive Officer

City of Holtville

Date: 11-24-10 By: Laura Fisher
Laura Fisher,
City Manager

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Order of the Regional Water Board:

IT IS HEREBY ORDERED:

33. This Order incorporates the terms of the foregoing Stipulation.

34. This is an action to enforce the laws and regulations administered by the Regional Water Board. The Regional Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 20, 2011.

for Jose Angel, P.E.

Robert Perdue
Executive Officer

Date: 1/26/2011

ATTACHMENT "A"

Summary of Violations of WDRs Order Nos. 01-002 and R7-2006-0050 Subject to Mandatory Minimum Penalties

Assessed Violation No. ¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
244352	10/22/03	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 2,400 MPN/100 mL	No	0 ²
244353	10/28/03	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 3,000 MPN/100 mL	No	0 ²
244356	10/31/03	Exceeded 30-day log mean maximum limit of 126 MPN/100mL for E. Coli; Reported Value = 430 MPN/100 mL	No	0 ²
252293	02/25/04	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 3,000 MPN/100 mL	No	3,000
252294	02/27/04	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 5,000 MPN/100 mL	No	3,000
252292	02/29/04	Exceeded 30-day log mean maximum limit of 126 MPN/100mL for E. Coli; Reported Value = 173 MPN/100 mL	No	3,000
267305	08/31/04	Exceeded 30-day mean effluent BOD concentration limit of 30 mg/L; Reported value = 32.6 mg/L	No	0 ²
259155	09/30/04	Failed to meet 30-day average BOD removal efficiency of no less than 85%; Calculated removal efficiency reported = 82%	No	0 ²
266781	01/19/05	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 1,600 MPN/100mL	No	0 ²
298494	08/01/05	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 9,000 MPN/100mL	No	0 ²
365514	03/22/06	Exceeded 7-day maximum limit of 45 mg/L for TSS; Reported Value = 49.1 mg/L	No	0 ²
446549	07/05/2006	Exceeded maximum daily effluent limit of 14 µg/L for Nickel; Reported Value = 26 µg/L	Yes	3,000
446550	07/05/2006	Exceeded maximum daily effluent mass discharge rate of 0.099 lbs/day for Nickel; Calculated mass discharge rate of 0.13 lbs/day based on flow of 0.5928 MGD	Yes	3,000
446551	07/31/2006	Exceeded average monthly effluent limit of 6.8 µg/L for Nickel; Reported Value = 26 µg/L	Yes	3,000

¹ Data Source: California Integrated Water Quality System (CIWQS)

² This is a supporting violation

Assessed Violation No. ¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
446552	07/31/2006	Exceeded average monthly effluent mass discharge rate of 0.048 lbs/day for Nickel; Calculated mass discharge monthly flow of 0.5758 MGD rate of 0.12 lbs/day based on average	Yes	3,000
493704	09/11/2006	Exceeded maximum daily effluent limit of 14 µg/L for Nickel; Reported Value = 24 µg/L	Yes	3,000
493705	09/11/2006	Exceeded maximum daily effluent mass discharge rate of 0.099 lbs/day for Nickel; Calculated mass discharge rate of 0.11 lbs/day based on flow of 0.5528 MGD	No	3,000
493706	09/30/2006	Exceeded average monthly effluent limit of 6.8 µg/L for Nickel; Reported Value = 15 µg/L	Yes	3,000
493707	09/30/2006	Exceeded average monthly effluent mass discharge rate of 0.048 lbs/day for Nickel; Calculated mass discharge rate of 0.069 lbs/day based on average monthly flow of 0.5535 MGD and average monthly Nickel concentration of 15 µg/L.	Yes	3,000
589836	12/20/2006	Exceeded daily maximum limit of 400 MPN/100mL for E. Coli; Reported Value = 900 MPN/100mL	No	3,000
775550	12/05/2007	Exceeded interim maximum daily effluent limit of 12 µg/L for Copper; Reported Value = 19 µg/L	Yes	3,000
775551	12/05/2007	Exceeded interim maximum daily effluent mass discharge rate of 0.085 lbs/day for Copper; Calculated mass discharge rate of 0.094 lbs/day	No	0 ²
775552	12/31/2007	Exceeded interim average monthly effluent limit of 12 µg/L for Copper; Reported Value = 19 µg/L	Yes	3,000
775553	12/31/2007	Exceeded interim average monthly effluent mass discharge rate of 0.085 lbs/day for Copper; Calculated mass discharge rate of 0.086 lbs/day	No	3,000
775546	02/29/2008	Exceeded average monthly effluent limit of 23 mg/L for Ammonia; Reported Value = 25.20 mg/L	No	3,000
786327	08/31/2008	Exceeded average monthly effluent limit of 6.4 µg/L for Bis(2-ethylhexyl)phthalate; Reported Value = 8.3 µg/L	Yes	3,000
869789	03/03/2010	Exceeded daily maximum effluent limit of 6.4 µg/L for Bis(2-ethylhexyl)phthalate; Reported Value = 14 µg/L	Yes	3,000
869806	03/03/2010	Exceeded daily maximum effluent limit of 0.045 lbs/day for Bis(2-ethylhexyl)phthalate; Reported Value = 0.07 lbs/day	Yes	3,000

Assessed Violation No.¹	Date Occurred	Description of Violation	Serious Violation Defined by CWC 13385(h)	Amount Assessed Dollars (\$)
869808	03/31/2010	Exceeded average monthly effluent limit of 0.045 lbs/day for Bis(2-ethylhexyl)phthalate; Reported Value = 0.07 lbs/day	Yes	3,000
869810	03/31/2010	Exceeded average monthly effluent limit of 6.4 µg/L for Bis(2-ethylhexyl)phthalate; Reported Value = 14 µg/L	Yes	3,000

Accrued Mandatory Minimum Penalties

Total

\$63,000

ATTACHMENT "B"

	Violation Type	Violation Date	Violation Description
1	<i>E. Coli</i>	07/02/2008	Used uncertified laboratory
2	<i>E. Coli</i>	07/09/2008	Used uncertified laboratory
3	<i>E. Coli</i>	07/16/2008	Used uncertified laboratory
4	<i>E. Coli</i>	07/23/2008	Used uncertified laboratory
5	<i>E. Coli</i>	07/30/2008	Used uncertified laboratory
6	<i>E. Coli</i>	08/06/2008	Used uncertified laboratory
7	<i>E. Coli</i>	08/13/2008	Used uncertified laboratory
8	<i>E. Coli</i>	08/14/2008	Used uncertified laboratory
9	<i>E. Coli</i>	08/20/2008	Used uncertified laboratory
10	<i>E. Coli</i>	08/27/2008	Used uncertified laboratory
11	<i>E. Coli</i>	09/03/3008	Used uncertified laboratory
12	<i>E. Coli</i>	09/10/2008	Used uncertified laboratory
13	<i>E. Coli</i>	09/11/2008	Used uncertified laboratory
14	<i>E. Coli</i>	09/17/2008	Used uncertified laboratory
15	<i>E. Coli</i>	09/24/2008	Used uncertified laboratory
16	<i>E. Coli</i>	10/01/2008	Used uncertified laboratory
17	<i>E. Coli</i>	10/08/2008	Used uncertified laboratory
18	<i>E. Coli</i>	10/15/2008	Used uncertified laboratory
19	<i>E. Coli</i>	10/22/2008	Used uncertified laboratory
20	<i>E. Coli</i>	10/29/2008	Used uncertified laboratory
21	<i>E. Coli</i>	11/05/2008	Used uncertified laboratory
22	<i>E. Coli</i>	11/12/2008	Used uncertified laboratory
23	<i>E. Coli</i>	11/19/2008	Used uncertified laboratory
24	<i>E. Coli</i>	11/24/2008	Used uncertified laboratory
25	<i>E. Coli</i>	11/26/2008	Used uncertified laboratory
26	<i>E. Coli</i>	12/03/2008	Used uncertified laboratory
27	<i>E. Coli</i>	12/10/2008	Used uncertified laboratory
28	<i>E. Coli</i>	12/17/2008	Used uncertified laboratory
29	<i>E. Coli</i>	12/23/2008	Used uncertified laboratory
30	<i>E. Coli</i>	12/30/2008	Used uncertified laboratory
31	<i>E. Coli</i>	01/06/2009	Used uncertified laboratory
32	<i>E. Coli</i>	01/07/2009	Used uncertified laboratory
33	<i>E. Coli</i>	01/14/2009	Used uncertified laboratory
34	<i>E. Coli</i>	01/21/2009	Used uncertified laboratory
35	<i>E. Coli</i>	01/28/2009	Used uncertified laboratory

ATTACHMENT "C"

OCT-26-2010 11:09A FROM: CITY OF HOLTVILLE WA 7603562488

TO: 17583416820

P.2



CITY OF HOLTVILLE

181 WEST FIFTH STREET
CIVIC CENTER • HOLTVILLE, CALIFORNIA 92280-1209 • (760) 399-8918
"THE CARROT CAPITAL OF THE WORLD"

September 29, 2010

Regional Water Quality Control Board, Division of Water Quality
Colorado River Basin Region
Attn: Jose Angel, Assistant Executive Officer
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92280

**Subject: City of Holtville – NPDES Permit No. CA0104381
Amended Administrative Civil Liability Complaint No. R7-2010-
0036 and Cease and Desist Order No. R7-2009-0081
Compliance Project Proposal Approval Request**

Mr. Angel:

We would like to thank the California Regional Water Quality Control Board, Colorado River Basin Region, (Regional Board) for taking the time and meeting with City of Holtville staff and Holt Group (City's Engineering Consultant) with regard to the Amended Administrative Civil Liability (ACL) Complaint No. R7-2010-0036 dated September 9, 2010 and the Cease and Desist Order (CDO) No. R7-2009-0081, dated September 17, 2009.

As discussed at the September 21, 2010 meeting, there are three (3) options to resolving the Amended ACL Complaint No. R7-2010-0036, dated September 9, 2010. It is understood that the City of Holtville has incurred a total of \$79,828.00 in civil liability penalties. \$63,000.00 of the \$79,828.00 is due to the Waste Discharge Requirements effluent limitations violations. The remaining \$16,828.00 of the \$79,828.00 is due to Monitoring and Reporting Program violations. The City of Holtville proposes to complete a Compliance Project that will meet or exceed the \$63,000.00 liability penalties and correct the effluent limitation violations. The City of Holtville agrees to make payment for the remaining civil liability in the amount \$16,828.00.

The City of Holtville proposes to complete a Wastewater Treatment Plant Engineering Report that would identify and provide recommendations to bring the Wastewater Treatment Plant in compliance with Final Effluent Limitations as established by Waste Discharge Requirement (WDR) Order No. R7-2006-0050.

Ltr to Regional Board
09-29-2010
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The Wastewater Treatment Plant Engineering Report would address the violations for the following Effluent Limitations; E. coli, BOD₅, TSS, Nickel, Copper, Bis(2-ethylhexyl)phthalate, and Ammonia. Addressing the Ammonia Effluent Limitation Violation as part of the Wastewater Treatment Plant Engineering Report would also assist the City of Holville in complying with the CDO.

The proposed Wastewater Treatment Plant Engineering Report would include an analysis of the existing treatment plant facilities and operation, identification and review of alternative treatment and technology measures required to address the Effluent Limitation Requirements, provide a schedule for recommended wastewater treatment plant improvements and provide the cost of the improvements.

As discussed in the meeting the City of Holville has and will continue to work with funding agencies in securing funding for the Design and Construction of the Wastewater Treatment Plant Improvements required to comply with WDR Order No. R7-2008-0080. The City of Holville is also currently completing a Sewer Rate Study. The Sewer Rate Study will identify additional revenue the City of Holville can provide along with the funding from other sources to complete the necessary Wastewater Treatment Plant Improvements.

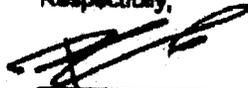
It is requested the Regional Board approve the following revised time schedule to complete the Wastewater Treatment Plant Improvements per Cesse and Desist Order No. R7-2009-0081.

Item	Description	Submittals to Regional Board	Completion Date
1	Complete WWTP Engineering Report	A Copy of WWTP Engineering Report	09-27-2011
2	Complete Pollution Prevention Plan	A Copy of Pollution Prevention Plan	11-27-2010
3	Obtain and Secure Funding for Design, Bidding and Construction Costs	A Copy of Funding Agency Approval Letter	08-27-2012
4	Complete Design of WWTP Improvements	A Copy of Final Design Drawings, Specifications and Contract Documents	08-27-2013
5	Complete Bidding and Award of WWTP Improvements	A Copy of Bidding Documents	08-27-2013
6	Construction of WWTP Improvements	A Summary and Verification of Construction Completion	08-17-2014
7	Start-up of WWTP	Completion of Testing to Insure Compliance with WDR	08-17-2014

Ltr to Regional Board
09-29-2010
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Should any questions arise, please do not hesitate to contact me at (760) 356-3188.

Respectfully,



Frank Comejo,
Waterworks Supervisor

cc: Doug Wylie, Regional Board
Laure Fischer, City Manager, City of Holtville
City Council, City of Holtville
James G. "Jack" Holt, City Engineer, City of Holtville