

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

In the Matter of:

**Seeley County Water District
Wastewater Treatment Plant**

ORDER R7-2019-0001

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

SECTION I: INTRODUCTION

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the California Regional Water Quality Control Board, Colorado River Basin Region, Prosecution Team (Prosecution Team), and Seeley County Water District (Discharger) (collectively Parties), and is presented to the California Regional Water Quality Control Board, Colorado River Basin (Colorado River Basin Water Board), or its delegate, for adoption as an Order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. This Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability against the Discharger in the amount of **\$297,000**.

SECTION II: RECITALS

2. The Discharger owns and operates a municipal wastewater treatment plant (Facility) located at 1898 West Main Street, Seeley, CA, 92273, in Imperial County. The treatment system consists of a lift-station, a drum screen, a bar screen, a "Clemson" aerated pond treatment system with surface aerators, pre-disinfection filtration via pressure sand filters, and an ultraviolet (UV) disinfection system. The Facility's "Clemson" system consists of five aerated ponds operated in series.
3. The Facility provides domestic sewerage services to a population of approximately 2,100 located in the town of Seeley, which is located in the Imperial Valley. The wastewater treatment plant (WWTP) has a treatment capacity of 0.25 million gallons-per-day (MGD). Effluent from the WWTP is discharged from Discharge Point 001 to the New River, a water of the United States, via an unnamed tributary.
4. On September 19, 2007, the Colorado River Basin Water Board adopted Waste Discharge Requirements Order R7-2007-0036 (2007 WDRs) to regulate discharges of treated wastewater from the WWTP. The 2007 WDRs include effluent limitations, receiving water limitations, specifications, reporting requirements, and provisions necessary to protect the beneficial uses of waters within the Colorado River Basin Region.
5. Section IV.A.1.d. of the 2007 WDRs contains the following effluent limitations for bacteria at Discharge Point 001:

Bacteria: The bacterial concentrations in the wastewater effluent discharged to the New River shall not exceed the following concentrations, as measured by the following bacterial

indicators:

- i. ***E. Coli.*** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 400 MPN per 100 milliliters.
 - ii. **Enterococci.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 33 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 100 MPN per 100 milliliters.
 - iii. **Fecal Coliform.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 400 MPN per 100 milliliters.
6. On September 28, 2011, the Assistant Executive Officer received a letter from the Discharger, which requested that the Colorado River Basin Water Board issue a Cease and Desist Order for the Discharger's WWTP. The letter states in part: "Seeley County Water District proposes to make several improvements to our wastewater treatment facility that should bring our treatment plant back into compliance with our current NPDES Permit Requirements. Specifically, the wastewater plant improvements would address the violations directly related to ammonia, toxicity, BOD, and bacteriological quality."
7. On November 17, 2011, the Colorado River Basin Water Board adopted Cease and Desist Order R7-2011-0058 (CDO) based on the Discharger's violation history of effluent limits for E.Coli, Enterococci, and Fecal Coliform and threatened continued and future violations. The CDO required the Discharger to prepare and implement a Pollution Prevention Plan for bacteria in accordance with a time schedule and comply with interim effluent limits for bacteria.
8. The CDO established the following interim effluent limits for E.Coli, Enterococci, and Fecal Coliform at Discharge Point 001:
 - i. ***E.Coli.*** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 1,500 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 4,000 MPN per 100 milliliters.
 - ii. **Enterococci.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 500 MPN per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of 2,000 MPN per 100 milliliters.
 - iii. **Fecal Coliform.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 2,000 MPN per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed 4,000 MPN per 100 milliliters.

9. Consistent with Water Code section 13385, subdivision (j)(3), the Colorado River Basin Water Board intended for the Discharger to be exempt from Water Code section 13385, subdivisions (h) and (i) mandatory minimum penalties (MMPs) for bacteria violations if the Discharger was in compliance with the interim effluent limitations for bacteria contained in the CDO. (CDO, p. 3, para. 13.)
10. The CDO required full compliance with the 2007 WDRs by August 31, 2015.
11. On September 20, 2012, the Colorado River Basin Water Board adopted Waste Discharge Requirements Order R7-2012-0011 (2012 WDRs), effective October 1, 2012, to regulate discharges of treated wastewater from the Facility. The 2012 WDRs rescinded the 2007 WDRs, except for enforcement purposes.
12. The 2012 WDRs section IV.A.1.a. and IV.A.1.d. contain, in part, the following effluent limitations:
 - a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001....:

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Biochemical Oxygen Demand (BOD) (5 day @ 20 Deg. C)	mg/L	45	65	---
	lbs/day ¹	94	140	---
Total Suspended Solids (TSS)	mg/L	48	73	---
	lbs/day ¹	100	152	---
Zinc, Total Recoverable	µg/L	163	---	328
	lbs/day ¹	0.34	---	0.68
Free Cyanide	µg/L	4.3	---	8.5
	lbs/day ¹	0.0090	---	0.018
Bis(2-ethylhexyl)Phthalate	µg/L	5.9	---	12
	lbs/day ¹	0.012	---	0.025
Oil and Grease, Total ²	mg/L	---	---	25
	lbs/day ¹	---	---	52

¹ The mass-based effluent limitations are based on a design capacity of 0.25 MGD.

² Total oil and grease shall include the polar and non-polar fraction of oil and grease materials.

- d. **Bacteria:** The bacterial density in the wastewater effluent discharged to the New River (via an unnamed tributary), shall not exceed the following values, as measured by the following bacterial indicators:
 - i. ***E. Coli.*** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 400 per 100 milliliters.
 - ii. **Enterococci.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a

MPN of 33 per 100 milliliters, nor shall any sample exceed a MPN of 100 per 100 milliliters.

- iii. **Fecal Coliform.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200 per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed a MPN of 400 per 100 milliliters.

13. As noted in the 2012 WDRs, page 13, footnote 2, the Colorado River Basin Water Board intended for the CDO, including the interim effluent limitations for bacteria, to apply to the 2012 WDRs.

14. Attachment E of the 2012 WDRs contains the Monitoring and Reporting Program (MRP), which was adopted pursuant to Water Code sections 13267 and 13383. The MRP includes the following schedule of monitoring periods and self-monitoring report (SMR) deadlines:

Table E-10. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	October 1, 2012	All	Submit with monthly SMR
1/Day	October 1, 2012	(Midnight through 11:59 p.m.) or any 24-hour period that reasonably represents a calendar day for purposes of sampling	Submit with monthly SMR
1/Week	October 1, 2012	Sunday through Saturday	Submit with monthly SMR
5/Month	October 1, 2012	Sunday through Saturday	Submit with monthly SMR
1/Month	October 1, 2012	1 st day of calendar month through last day of calendar month	First day of second month from end of monitoring period
1/Quarter	October 1, 2012	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
1/Year	October 1, 2012	January 1 through December 31	First day of February

15. Under Table E-3 of section IV.A.1 of the MRP, oil and grease has a minimum sampling frequency of once per year. Therefore, sampling results for oil and grease are due in the annual report due by February 1 of each year.

16. The 2012 WDRs, Attachment E, section X.B.6. requires, in part, that the Discharger submit SMRs electronically via the State Water Resources Control Board's California Integrated Water Quality System (CIWQS), as required by the Standard Provisions in Attachment D to the 2012 WDRs.
17. In early 2014, the Discharger requested an extension to implement a compliance project required by Administrative Civil Liability Order R7-2012-0016 because it was not feasible to implement the compliance project it had originally proposed.
18. On June 12, 2014, the Executive Officer granted the compliance project extension to August 1, 2016 based on staff's determination that the Discharger needed additional time to return into full and sustained compliance with its existing WDRs, for factors beyond the reasonable control of the Discharger.
19. On September 17, 2015, the Colorado River Basin Water Board adopted Special Board Order R7-2015-0041 to amend the CDO deadline to achieve full compliance with the WDRs to August 1, 2016, consist with the timeline for completion of the compliance project.
20. On November 9, 2017, the Colorado River Basin Water Board adopted Waste Discharge Requirements Order R7-2017-0016 (2017 WDRs), effective November 9, 2017, to regulate discharges of treated wastewater from the Facility. The 2017 WDRs rescinded the 2012 WDRs, except for enforcement purposes.
21. The 2017 WDRs section IV.A.1 and IV.A.1.c. contain, in part, the following effluent limitations:

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001...:

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
Copper, Total Recoverable	µg/L	25	---	50
	lbs/day ¹	0.052	---	0.104
Cyanide, Free	µg/L	4.3	---	8.5
	lbs/day ¹	0.0090	---	0.018

¹ The mass-based effluent limitations are based on a design capacity of 0.25 MGD.

- c. **Bacteria:** The bacterial density in the wastewater effluent discharged to the receiving water shall not exceed the following values, as measured by the following bacterial indicators:
 - a. ***E. coli:*** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a Most Probable Number (MPN) of 126 per 100 milliliters, nor shall any sample exceed the maximum allowable bacterial density of a MPN of 400 per 100 milliliters.
 - b. **Enterococci.** The geometric mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not

exceed a MPN of 33 per 100 milliliters, nor shall any sample exceed a MPN of 100 per 100 milliliters.

- c. **Fecal Coliform.** The log mean bacterial density (based on a minimum of not less than five samples equally spaced over a 30-day period) shall not exceed a MPN of 200 per 100 milliliters, nor shall more than ten percent of the total samples during any 30-day period exceed a MPN of 400 per 100 milliliters.

22. Water Code section 13385, subdivision (h)(1) requires the Colorado River Basin Water Board to assess an MMP of three thousand dollars (\$3,000) for each "serious violation."

23. Water Code section 13385, subdivision (h)(2) states, in part, the following:

For the purpose of this section, a 'serious violation' means any waste discharge that violates the effluent limitations... for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A of Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

24. Water Code section 13385, subdivision (i)(1), also requires the Colorado River Basin Water Board to assess an MMP of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the Discharger does any of the following four or more times in a six-month period (hereafter "chronic violation"):

- i. Violates a waste discharge requirement effluent limitation;
- ii. Fails to file a report pursuant to Section 13260;
- iii. Files an incomplete report pursuant to Section 13260; or
- iv. Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

25. Water Code section 13385, subdivision (i)(2) states:

For the purpose of this section, a 'period of six consecutive months' mean the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.

26. Water Code section 13385, subdivision (j) exempts certain violations from the MMPs, and states, in relevant part:

Subdivisions (h) and (i) do not apply to any of the following:

- 3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all of the following requirements are met:
 - C) The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible.... For the purposes of this subdivision, the time schedule may

not exceed five years in length The interim requirements shall include both of the following:

- i) Effluent limitations for the pollutant or pollutants of concern.
- ii) Actions and milestones leading to compliance with the effluent limitation.

27. Consistent with Water Code section 13385, subdivision (j)(3), the CDO provides the Discharger protection from MMPs for bacteria if the Discharger is in compliance with the interim effluent limitations in the CDO.

28. Water Code section 13385.1, subdivision (a)(1) states:

For the purposes of subdivision (h) of Section 13385, a "serious violation" also means a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations...

29. The maximum amount of administrative civil liability assessable pursuant to Water Code section 13385, subdivision (c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

30. On December 11, 2017, the Colorado River Basin Water Board's Assistant Executive Officer issued Administrative Civil Liability Complaint R7-2017-0040 (ACLC) to the Discharger for effluent limit and reporting violations subject to mandatory minimum penalties (MMPs), that occurred from January 2012 through March 2017. Specifically, the alleged violations included:

- a. Effluent limit violations of the 2007 WDRs, ranging from January 2012 to September 30, 2012, including one E.Coli violation and two Fecal Coliform violations subject to MMPs.
- b. Effluent limit violations of the 2012 WDRs, ranging between October 1, 2012 and continuing through March 31, 2017, including twelve BOD violations, six TSS violations, one Zinc violation, 32 Free Cyanide violations, seven Bis(2-ethylhexyl) Phthalate violations, one Oil and Grease violation, four E.Coli violations, 11 Enterococci violations, and seven Fecal Coliform violations subject to MMPs.
- c. Five E.Coli, seven Enterococci, and seven Fecal Coliform effluent limitation violations are exempt from MMPs under Water Code section 13385, subdivision (j)(3) because the Discharger was in compliance with the interim effluent limitations in the CDO.
- d. The Discharger submitted a late Annual 2016 SMR. The Annual 2016 SMR was due on February 1, 2016. The Discharger did not submit the Annual 2016 SMR until September 11, 2017, a total of 7 complete periods of 30 days, following the deadline

for submitting the report. The Annual 2016 SMR is partially designed to ensure compliance with Oil and Grease effluent limitations, which are sampled for once per year and reported in the annual report. Failure to submit the Annual 2016 SMR is a serious violation under Water Code section 13385.1. Each 30-day period is subject to an MMP under Water Code section 13385.

31. This Stipulated Order extends the period of violations from April 1, 2017 through July 31, 2018, and includes the following additional violations:

- a. Four Free Cyanide effluent limit violations of the 2012 WDRs subject to MMPs.
- b. Two Fecal Coliform, one Enterococci, sixteen Total Recoverable Copper, and four Free Cyanide effluent limit violations of the 2017 WDRs subject to MMPs.

32. Attachments A and B, hereby incorporated by reference, include the complete list of violations resolved by this Stipulated Order.

33. Water Code section 13385, subdivision (k) states:

(1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

(A) The compliance project is designed to correct the violations within five years.

(B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.

(C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

34. Under the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy), a publicly owned treatment work (POTW) serving a small community is

a POTW serving a community that has a financial hardship and has a population of 10,000¹ or fewer people, or lies completely within one or more rural counties.

35. Under the Enforcement Policy, "financial hardship" means that the community served by the POTW meets one of the following criteria:
- a. Median household income for the community is less than 80 percent of the California median household income;
 - b. The community has an unemployment rate of 10 percent or greater; or
 - c. Twenty percent of the population is below the poverty level.
36. The Colorado River Basin Water Board finds the Discharger is eligible for a Compliance Project because the Facility is a publicly owned treatment works serving a small community of approximately 2,100 people, with a financial hardship having a median household income of \$34,200, for the community which is less than 80 percent of the California median household income.²
37. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Colorado River Basin Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. To resolve the violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability in the amount of **two hundred ninety-seven thousand dollars (\$297,000)** in MMPs against the Discharger.
38. The Colorado River Basin Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein and that this Stipulated Order is in the best interest of the public.

SECTION III: STIPULATIONS

The Parties incorporate the foregoing Recitals and stipulate to the following:

39. **Jurisdiction:** The Parties agree that the Colorado River Basin Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulated Order.
40. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability of **\$297,000** to resolve the violations as set forth in Section II and Attachments A and B to this Stipulated Order, which shall be suspended (Suspended Liability) pending completion of the Compliance Project, as set forth herein and in Attachment C, hereby incorporated by reference.
41. **Compliance Project Description:** The Compliance Project consists of investigating and identifying the source(s) of copper and cyanide violations, eliminating and/or controlling the source(s) of copper and cyanide violations, and improving a dump station to include better

¹ Following adoption of the Enforcement Policy, Water Code section 13385, subdivision (k)(2) was amended to raise the population threshold to 20,000 or fewer people.

² United States Census Bureau, 2018 U.S. Gazetteer Files.

solids screening, monitoring, and the addition of an aerated holding tank or modifying an existing pond to control flows into the treatment plant.³

- 42. Compliance Project Milestone Requirements:** The Discharger agrees that this Stipulated Order includes the Milestone Requirements set forth below. The Discharger acknowledges that credit for completing any Milestone Requirement is dependent on the Colorado River Basin Water Board's or its delegate's adoption of this Stipulated Order. The implementation schedule for completion of the Compliance Project is as follows:

Compliance Project	
Milestone	Deadline
Investigate and identify the source(s) of copper and cyanide violations	02/01/2020
Complete design plan for dump station improvements	02/01/2022
Complete improvements to dump station	01/09/2024

- 43. Compliance Project Quarterly and Final Reporting:** Quarterly reports are required since the Compliance Project will not be completed within one year. Quarterly reports are due on February 1, May 1, August 1, and November 1, annually. Quarterly reports shall include a description of work completed and if appropriate, photograph documentation.
- 44. Compliance Project Costs:** The Discharger anticipates the Compliance Project to cost \$297,000. The amount of the liability to be suspended upon completion of the Compliance Project is \$297,000, as expressly authorized by Water Code section 13385, subdivision (k). No additional liability above and beyond \$297,000 shall be suspended for costs incurred to complete the Compliance Project.
- 45. Compliance Project Oversight:** The Discharger will oversee implementation of the Compliance Project. The Colorado River Basin Water Board will provide additional oversight. The Discharger is solely responsible for paying all reasonable oversight costs incurred by the Colorado River Basin Water Board to oversee the Compliance Project. The Compliance Project oversight costs are in addition to the administrative civil liability imposed against the Discharger and are not credited towards the Discharger's obligation to implement and complete the Compliance Project. Reasonable oversight tasks to be performed by the Colorado River Basin Water Board include, but are not limited to, reviewing and evaluating progress, reviewing the final report, and verifying completion of the Compliance Project.
- 46. Representation and Agreements of the Discharger to Implement and Complete, Report, and Guarantee Implementation of the Compliance Project:** The Discharger understands that its promise to implement the Compliance Project, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement of liability between the Discharger and the Colorado River Basin Water Board. As a material consideration for the Colorado River Basin Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that, in accordance with Water Code section 13385, subdivision (k)(1):

- a. The Compliance Project is designed to correct the violations within five years.

³ Dilution as a means of obtaining compliance is not permitted under this Stipulated Order.

- b. The Compliance Project is in accordance with the Enforcement Policy.
 - i. The Discharger will implement and complete the Compliance Project as described herein and in Attachment C;
 - ii. The Discharger will provide certifications and written reports to the Colorado River Basin Water Board contact consistent with the terms of this Stipulated Order;
 - iii. The Discharger will guarantee implementation of the Compliance Project by remaining liable for the administrative civil liability of two hundred ninety-seven thousand dollars (\$297,000) until the Compliance Project is completed and accepted by the Colorado River Basin Water Board in accordance with the terms of this Stipulated Order; and
 - iv. The Discharger shall permit inspection of the Compliance Project by Colorado River Basin Water Board staff during normal business hours, at any location where the Compliance Project is being implemented, as well as review of any documents associated with implementation of the Compliance Project, at any time without notice.
- c. The Discharger has prepared a financing plan to complete the Compliance Project.

47. Third Party Financial Audit of the Compliance Project: At the written request of the Colorado River Basin Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Colorado River Basin Water Board providing such party's(ies's) professional opinion that the Discharger has expended money in the amount claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be provided to the Colorado River Basin Water Board within three (3) months of notice from the Colorado River Basin Water Board to the Discharger of the need for an independent third-party audit. The audit need not address any costs incurred by the Colorado River Basin Water Board for oversight.

48. Failure to Expend the Entire Suspended Liability on the Approved Compliance Project: In the event the Discharger is not able to demonstrate to the reasonable satisfaction of the Colorado River Basin Water Board that the entire Suspended Liability has been spent on the completed Compliance Project, the Discharger shall pay an administrative civil liability of the difference between the Suspended Liability and the amount the Discharger can demonstrate was actually spent on the Compliance Project. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this amount within 30 days of receipt of notice of the Colorado River Basin Water Board's determination that the Discharger failed to demonstrate that the entire Suspended Liability was spent to complete the Compliance Project.

49. Failure to Complete the Compliance Project: Except as provide for in paragraph 50, if the Compliance Project as described herein and in Attachment C is determined to be infeasible, or if the Discharger fails to complete the Compliance Project by the deadline herein, the Colorado River Basin Water Board shall issue an invoice to the Discharger in the amount of two hundred ninety-seven thousand dollars (\$297,000), plus any Compliance Project oversight costs incurred. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this amount within 30 days of receipt of the invoice.

50. Extension of the Implementation Schedule Deadlines for the Compliance Project: If the Discharger cannot meet the deadlines in this Stipulated Order due to circumstances beyond the Discharger's reasonable anticipation or control, the Discharger shall notify the Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstances that caused or could cause a violation of this Stipulated Order. The notice shall describe the reason for the nonperformance and specifically refer to this paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall adopt all reasonable measures to avoid and minimize such delays.

The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by the Executive Officer. Where the Executive Officer agrees that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the Discharger, a new compliance deadline may be established and this Stipulated Order may be revised accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.

51. Certification of the Completion of the Compliance Project: On or before March 1, 2024, the Discharger shall provide a certified statement of completion of the Compliance Project (Certification of Completion). The Certification of Completion shall be submitted by a responsible official under penalty of perjury under the law of the state of California, to the Colorado River Basin Water Board contact identified in paragraph 55. The Certification of Completion shall include the following:

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

52. Completion of the Compliance Project to the Colorado River Basin Water Board's Satisfaction: Upon the Discharger's satisfaction of its Compliance Project obligations under this Stipulated Order, and any audit requested by the Colorado River Basin Water Board, Colorado River Basin Water Board staff shall send the Discharger a letter recognizing satisfactory completion of its obligations for the Compliance Project under this Stipulated

Order. Receipt of this letter shall terminate any further Compliance Project obligations of the Discharger and result in the dismissal of the Suspended Liability.

53. Compliance Project Publicity: Whenever the Discharger or its agents or subcontractors publicizes one or more elements of the Compliance Project, it shall state in a prominent manner that the Compliance Project is being undertaken as part of the settlement of an enforcement action by the Colorado River Basin Water Board against the Discharger.

54. Compliance with Applicable Laws: The Discharger understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.

55. Party Contacts for Communications related to this Stipulated Order:

For the Colorado River Basin Water Board:

Kai Dunn
Colorado River Basin Regional Water
Quality Control Board
73-720 Fred Waring Dr. Ste 100
Palm Desert, CA 92260
Kai.Dunn@waterboards.ca.gov
(760) 776-8986

For the Discharger:

Aaron Garcia
SCWD Chief Plant Operator
P.O. Box 161
Seeley, CA 92273
agarcia@seeleywaterdistrict.com
(760) 332-9059

56. Attorney's Fees and Costs: Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

57. Matters Addressed by this Stipulated Order: Upon the Colorado River Basin Water Board's or its delegate's adoption, this Stipulated Order represents a final and binding resolution and settlement of the violation(s) as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on the satisfactory completion of the Compliance Project described herein and in Attachment C or the full payment of the administrative civil liability.

58. Public Notice: The Discharger understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Colorado River Basin Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Colorado River Basin Water Board, or its delegate, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Colorado River Basin Water Board or its delegate. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

59. Addressing Objections Raised During Public Comment Period: The Parties agree that the procedure contemplated for the Colorado River Basin Water Board's or its delegate's adoption of the Order, and public review of this Stipulated Order is lawful and adequate. The Parties understand that the Colorado River Basin Water Board, or its delegate, have the authority to require a public hearing on this Stipulated Order. In the event procedural

objections are raised, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.

60. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or the Colorado River Basin 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 provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Colorado River Basin Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Order.
61. **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 Team or any state agency, department, board, or entity or any local agency from exercising its authority under any law, statute, or regulation.
62. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.
63. **Modification:** The Parties shall not modify this Stipulated Order by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Colorado River Basin Water Board or its delegate.
64. **If the Order Does Not Take Effect:** In the event that the Order does not take effect because the Colorado River Basin Water Board or its delegate does not approve it, or the State Water Resources Control Board (State Water Board) or a court vacates it in whole or in part, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Colorado River Basin Water Board to determine whether to assess administrative civil liabilities for the underlying violation(s), unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during 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 the following:
 - a. Objections related to prejudice or bias of any of the Colorado River Basin Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Colorado River Basin 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 Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violation alleged herein 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.

65. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323, subdivision (b) provides, and hereby waives its right to an evidentiary hearing before the Colorado River Basin Water Board prior to the Order's adoption.
66. **Waiver of Right to Petition or Appeal:** The Discharger hereby waives its right to petition the Colorado River Basin Water Board's adoption of the Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
67. **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 matter expressly addressed by this Stipulated Order.
68. **Water Boards Not Liable:** Neither the Colorado River Basin Water Board members, nor the Colorado River Basin Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or its respective board members, directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Colorado River Basin Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its board members, directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
69. **Necessity for Written Approvals:** All approvals and decisions of the Colorado River Basin Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments from Colorado River Basin Water Board employees or officials regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval this Stipulated Order requires.
70. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
71. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
72. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.
73. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulated 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. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

Seeley County Water District
ACLO R7-2019-0001

74. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Colorado River Basin Water Board, or its delegate, enters the Order incorporating the terms of this Stipulated Order.

IT IS SO STIPULATED.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN


Frank Gonzalez
Assistant Executive Officer

1/17/19
Date

SEELEY COUNTY WATER DISTRICT


Keith Baird
Board President

1-17-2019
Date

ORDER OF THE REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN REGION

1. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
2. In adopting this Order, the Colorado River Basin Water Board has assessed an administrative civil liability in accordance with the Enforcement Policy and Water Code sections 13385 and 13385.1.
3. This is an action to enforce the laws and regulations administered by the Colorado River Basin Water Board. The Colorado River Basin Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
4. The Executive Officer of the Colorado River Basin Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under the Order.

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, Colorado River Basin Region.

I, Paula Rasmussen, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Stipulated Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region.



Paula Rasmussen
Executive Officer

Attachment A: Effluent Limit Violations

Attachment B: Reporting Violations

Attachment C: Seeley County Water District Compliance Project Proposal

MANDATORY PENALTY ADMINISTRATIVE CIVIL LIABILITY

Seeley Cnty WD

Seeley CWD WWTP

WDID No. 7A130111013 NPDES No. CA0105023

EXHIBIT "A"

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Penalty
WDRs Order R7-2007-0036 in effect																
CDO R7-2011-0058 goes into effect 11/17/2011																
1	919911	01/18/2012	Fecal Coliform	Other	Instantaneous	400	900	MPN/100	Y	N/A	07/22/2011	E	N/A	N		\$ 0
2	924496	03/28/2012	E.coli	Other	Daily Discharge	400	461	MPN/100	Y	N/A	09/30/2011	E	N/A	N		\$ 0
3	924495	03/28/2012	Fecal Coliform	Other	Instantaneous	400	900	MPN/100	Y	N/A	09/30/2011	E	N/A	N		\$ 0
WDRs Order R7-2012-0011 goes into effect 10/01/2012																
4	940100	10/30/2012	Enterococci	Other	Instantaneous	100	300	MPN/100	Y	N/A	05/03/2012	E	N/A	N		\$ 0
5	940099	10/30/2012	Fecal Coliform	Other	Instantaneous	400	1600	MPN/100	Y	N/A	05/03/2012	E	N/A	N		\$ 0
6	940101	10/30/2012	E.coli	Other	Instantaneous	400	435	MPN/100	Y	N/A	05/03/2012	E	N/A	N		\$ 0
7	985939	12/17/2014	Oil and Grease	Group 1	Daily Maximum	25	221	mg/L	N	784%	06/20/2014	S	N/A	Y	13385(h)	\$ 3,000
8	984634	12/23/2014	Fecal Coliform	Other	Daily Maximum	400	500	MPN/100	Y	N/A	06/26/2014	E	N/A	N		\$ 0
9	984633	12/23/2014	Enterococci	Other	Monthly Maximum	100	220	MPN/100	Y	N/A	06/26/2014	E	N/A	N		\$ 0
10	988619	02/28/2015	Bis (2-Ethylhexyl)	Group 2	Monthly Average	5.9	10	ug/L	N	69%	09/01/2014	S	N/A	Y	13385(h)	\$ 3,000
11	1028905	03/09/2015	Bis (2-Ethylhexyl)	Group 2	Maximum Daily	0.025	9.4	lb/day	N	37500%	09/10/2014	S	N/A	Y	13385(h)	\$ 3,000
12	989679	03/31/2015	Total Suspended Solids	Group 1	Monthly Average	48	50.52	mg/L	N	5%	10/02/2014	C	4	Y	13385(i)	\$ 3,000
13	1028906	03/31/2015	Bis (2-Ethylhexyl)	Group 2	Monthly Average	0.012	9.4	lb/day	N	78233%	10/02/2014	S	N/A	Y	13385(h)	\$ 3,000
14	1028904	04/07/2015	Bis (2-Ethylhexyl)	Group 2	Daily Maximum	0.025	169.3	lb/day	N	677100%	10/09/2014	S	N/A	Y	13385(h)	\$ 3,000
15	1028902	04/07/2015	Bis (2-Ethylhexyl)	Group 2	Daily Maximum	12	335	ug/L	N	2692%	10/09/2014	S	N/A	Y	13385(h)	\$ 3,000
16	991289	04/30/2015	Total Suspended Solids	Group 1	30-Day Average of	48	63.06	mg/L	N	31%	11/01/2014	C	8	Y	13385(i)	\$ 3,000
17	991288	04/30/2015	Bis (2-Ethylhexyl)	Group 2	30-Day Average of	5.9	335	ug/L	N	5578%	11/01/2014	S	N/A	Y	13385(h)	\$ 3,000
18	1028903	04/30/2015	Bis (2-Ethylhexyl)	Group 2	Monthly Average	0.012	169.3	lb/day	N	1410733%	11/01/2014	S	N/A	Y	13385(h)	\$ 3,000
19	993299	05/31/2015	Total Suspended Solids	Group 1	Monthly Average of	48	52	mg/L	N	8%	12/02/2014	C	11	Y	13385(i)	\$ 3,000
20	995040	07/27/2015	Total Suspended Solids	Group 1	Weekly Average of	73	76	mg/L	N	4%	01/28/2015	C	11	Y	13385(i)	\$ 3,000
21	996709	08/31/2015	Total Suspended Solids	Group 1	Monthly Average of	48	53	mg/L	N	10%	03/04/2015	C	11	Y	13385(i)	\$ 3,000
22	998366	09/02/2015	Total Suspended Solids	Group 1	Weekly Average	73	84	mg/L	N	15%	03/06/2015	C	12	Y	13385(i)	\$ 3,000
23	1001006	11/04/2015	E.coli	Other	Maximum Daily	400	2419.2	MPN/100	Y	N/A	05/08/2015	E	N/A	N		\$ 0
24	1001008	11/04/2015	Fecal Coliform	Other	Maximum Daily	400	1600	MPN/100	Y	N/A	05/08/2015	E	N/A	N		\$ 0
25	1001007	11/04/2015	Enterococci	Other	Maximum Daily	100	1600	MPN/100	Y	N/A	05/08/2015	E	N/A	N		\$ 0
26	1028895	01/05/2016	Fecal Coliform	Other	10% for 30 days	400	1600	MPN/100	Y	N/A	07/09/2015	E	N/A	N		\$ 0
27	1028893	01/05/2016	E.coli	Other	Maximum Daily	400	517	MPN/100	Y	N/A	07/09/2015	E	N/A	N		\$ 0
28	1028894	01/31/2016	E.coli	Other	Geometric Mean of	126	223.8	MPN/100	Y	N/A	08/04/2015	E	N/A	N		\$ 0
29	1005220	02/09/2016	Enterococci	Other	Single Sample	100	1600	MPN/100	Y	N/A	08/13/2015	E	N/A	N		\$ 0
30	1005221	02/16/2016	Enterococci	Other	Single Sample	100	900	MPN/100	Y	N/A	08/20/2015	E	N/A	N		\$ 0
31	1005218	02/29/2016	Enterococci	Other	30-Day Geometric	33	162.14	MPN/100	Y	N/A	09/02/2015	E	N/A	N		\$ 0
32	1005219	02/29/2016	Enterococci	Other	Single Sample	100	240	MPN/100	Y	N/A	09/02/2015	E	N/A	N		\$ 0
33	1028891	03/09/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.0216	lb/day	N	20%	09/11/2015	S	N/A	Y	13385(h)	\$ 3,000
34	1028892	03/09/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	20	ug/L	N	135%	09/11/2015	S	N/A	Y	13385(h)	\$ 3,000
35	1028890	03/31/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.0216	lb/day	N	140%	10/03/2015	S	N/A	Y	13385(h)	\$ 3,000

36	1006932	03/31/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	20	ug/L	N	365%	10/03/2015	S	N/A	Y	13385(h)	\$ 3,000
37	1028886	04/04/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.0193	lb/day	N	7%	10/07/2015	C	5	Y	13385(i)	\$ 3,000
38	1028885	04/04/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	20	ug/L	N	135%	10/07/2015	S	N/A	Y	13385(h)	\$ 3,000
39	1008119	04/28/2016	Fecal Coliform	Other	10% for 30 days	400	900	ml/L	Y	N/A	10/31/2015	E	N/A	N		\$ 0
40	1028887	04/30/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	20	ug/L	N	365%	11/02/2015	S	N/A	Y	13385(h)	\$ 3,000
41	1008118	04/30/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.0193	lb/day	N	114%	11/02/2015	S	N/A	Y	13385(h)	\$ 3,000
42	1033219	07/13/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.0204	lb/day	N	13%	01/15/2016	C	9	Y	13385(i)	\$ 3,000
43	1033217	07/13/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	30	ug/L	N	253%	01/15/2016	S	N/A	Y	13385(h)	\$ 3,000
44	1033212	07/31/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	30	ug/L	N	598%	02/02/2016	S	N/A	Y	13385(h)	\$ 3,000
45	1033214	07/31/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.0204	lb/day	N	127%	02/02/2016	S	N/A	Y	13385(h)	\$ 3,000
46	1033226	08/01/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.0195	lb/day	N	8%	02/03/2016	C	13	Y	13385(i)	\$ 3,000
Discharger is no longer exempt from MMPs for bacteria effluent limitations																
47	1033221	08/31/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	20	ug/L	N	365%	03/04/2016	S	N/A	Y	13385(h)	\$ 3,000
48	1033223	08/31/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.0195	lb/day	N	117%	03/04/2016	S	N/A	Y	13385(h)	\$ 3,000
49	1033194	09/05/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	20	ug/L	N	135%	03/09/2016	S	N/A	Y	13385(h)	\$ 3,000
50	1033198	09/30/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.012	lb/day	N	33%	04/03/2016	S	N/A	Y	13385(h)	\$ 3,000
51	1033196	09/30/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	20	ug/L	N	365%	04/03/2016	S	N/A	Y	13385(h)	\$ 3,000
52	1033235	10/03/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	20	ug/L	N	135%	04/06/2016	S	N/A	Y	13385(h)	\$ 3,000
53	1033237	10/03/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.031	lb/day	N	72%	04/06/2016	S	N/A	Y	13385(h)	\$ 3,000
54	1033227	10/08/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	20	ug/L	N	135%	04/11/2016	S	N/A	Y	13385(h)	\$ 3,000
55	1033233	10/31/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.031	lb/day	N	244%	05/04/2016	S	N/A	Y	13385(h)	\$ 3,000
56	1033231	10/31/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	20	ug/L	N	365%	05/04/2016	S	N/A	Y	13385(h)	\$ 3,000
57	1033239	11/12/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	30	ug/L	N	253%	05/16/2016	S	N/A	Y	13385(h)	\$ 3,000
58	1033241	11/12/2016	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.025	lb/day	N	39%	05/16/2016	S	N/A	Y	13385(h)	\$ 3,000
59	1033244	11/30/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	30	ug/L	N	598%	06/03/2016	S	N/A	Y	13385(h)	\$ 3,000
60	1033242	11/30/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.025	lb/day	N	178%	06/03/2016	S	N/A	Y	13385(h)	\$ 3,000
61	1028882	12/07/2016	Cyanide, Free Available	Group 2	Maximum Daily	0.018	0.0337	lb/day	N	87%	06/10/2016	S	N/A	Y	13385(h)	\$ 3,000
62	1028880	12/07/2016	Cyanide, Free Available	Group 2	Daily Maximum	8.5	40	ug/L	N	371%	06/10/2016	S	N/A	Y	13385(h)	\$ 3,000
63	1019148	12/19/2016	Biochemical Oxygen	Group 1	Weekly Average	65	80.66	mg/L	N	24%	06/22/2016	C	22	Y	13385(i)	\$ 3,000
64	1019150	12/19/2016	Enterococci	Other	Weekly Average	100	220	MPN/100	N	N/A	06/22/2016	C	23	Y	13385(i)	\$ 3,000
65	1019153	12/20/2016	Enterococci	Other	Weekly Average	100	240	MPN/100	N	N/A	06/23/2016	C	24	Y	13385(i)	\$ 3,000
66	1028883	12/20/2016	Fecal Coliform	Other	30-Day Geometric	400	1600	MPN/100	N	N/A	06/23/2016	C	25	Y	13385(i)	\$ 3,000
67	1019149	12/27/2016	Enterococci	Other	Weekly Average	100	240	MPN/100	N	N/A	06/30/2016	C	26	Y	13385(i)	\$ 3,000
68	1031393	12/27/2016	Fecal Coliform	Other	30-Day Geometric	400	1600	MPN/100	N	N/A	06/30/2016	C	27	Y	13385(i)	\$ 3,000
69	1019151	12/27/2016	Biochemical Oxygen	Group 1	Weekly Average	65	112.8	mg/L	N	74%	06/30/2016	S	N/A	Y	13385(h)	\$ 3,000
70	1019152	12/31/2016	Enterococci	Other	Geometric Mean of	33	59.7	MPN/100	N	N/A	07/04/2016	C	29	Y	13385(i)	\$ 3,000
71	1028884	12/31/2016	Biochemical Oxygen	Group 1	30-Day Average	45	55.7	mg/L	N	24%	07/04/2016	C	30	Y	13385(i)	\$ 3,000
72	1028881	12/31/2016	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.0337	lb/day	N	274%	07/04/2016	S	N/A	Y	13385(h)	\$ 3,000
73	1019154	12/31/2016	Cyanide, Free Available	Group 2	Monthly Average	4.3	40	ug/L	N	830%	07/04/2016	S	N/A	Y	13385(h)	\$ 3,000
74	1021477	01/19/2017	Biochemical Oxygen	Group 1	Weekly Average	65	104.2	mg/L	N	60%	07/23/2016	S	N/A	Y	13385(h)	\$ 3,000
75	1021476	01/26/2017	Biochemical Oxygen	Group 1	Weekly Average	65	86.92	mg/L	N	34%	07/30/2016	C	32	Y	13385(i)	\$ 3,000
76	1028876	01/31/2017	Biochemical Oxygen	Group 1	30-Day Average	45	65.5	mg/L	N	46%	08/04/2016	S	N/A	Y	13385(h)	\$ 3,000
77	1023076	02/09/2017	Biochemical Oxygen	Group 1	Weekly Average	65	76.81	mg/L	N	18%	08/13/2016	C	31	Y	13385(i)	\$ 3,000
78	1023075	02/16/2017	Biochemical Oxygen	Group 1	Weekly Average	65	137.62	mg/L	N	112%	08/20/2016	S	N/A	Y	13385(h)	\$ 3,000
79	1023077	02/28/2017	Zinc, Total	Group 2	Monthly Average	163	190	ug/L	N	17%	09/01/2016	C	31	Y	13385(i)	\$ 3,000
80	1028877	02/28/2017	Biochemical Oxygen	Group 1	30-Day Average	45	65.03	mg/L	N	45%	09/01/2016	S	N/A	Y	13385(h)	\$ 3,000
81	1023955	03/02/2017	Biochemical Oxygen	Group 1	Weekly Average	65	104.85	mg/L	N	61%	09/03/2016	S	N/A	Y	13385(h)	\$ 3,000
82	1023956	03/09/2017	Biochemical Oxygen	Group 1	Weekly Average	65	70.75	mg/L	N	9%	09/10/2016	C	33	Y	13385(i)	\$ 3,000
83	1023957	03/31/2017	Cyanide, Free Available	Group 2	Monthly Average	4.3	5	ug/L	N	16%	10/02/2016	C	32	Y	13385(i)	\$ 3,000

84	1028878	03/31/2017	Biochemical Oxygen	Group 1	30-Day Average	45	57.8	mg/L	N	28%	10/02/2016	C	33	Y	13385(i)	\$ 3,000
85	1035451	10/31/2017	Cyanide, Free Available	Group 2	Monthly Average	4.3	40	ug/L	N	830%	05/04/2017	S	N/A	Y	13385(h)	\$ 3,000
86	1043100	10/31/2017	Cyanide, Free Available	Group 2	Monthly Average	0.009	0.08	lb/day	N	789%	05/04/2017	S	N/A	Y	13385(h)	\$ 3,000
87	1043101	10/31/2017	Cyanide, Free Available	Group 2	Daily Maximum	0.018	0.08	lb/day	N	344%	05/04/2017	S	N/A	Y	13385(h)	\$ 3,000
88	1043099	10/31/2017	Cyanide, Free Available	Group 2	Daily Maximum	8.5	40	ug/L	N	371%	05/04/2017	S	N/A	Y	13385(h)	\$ 3,000
WDRs Order R7-2017-0016 goes into effect 11/09/2017																
89	1036299	11/28/2017	Fecal Coliform	Other	Maximum Daily	400	500	MPN/100	N	N/A	06/01/2017	C	5	Y	13385(i)	\$ 3,000
90	1037997	11/30/2017	Fecal Coliform	Other	10% for 30 days	400	500	MPN/100	N	N/A	06/03/2017	E	6	Y	13385(i)	\$ 3,000
91	1038140	12/04/2017	Copper, Total	Group 2	Daily Maximum	50	162.1	ug/L	N	224%	06/07/2017	S	N/A	Y	13385(h)	\$ 3,000
92	1038330	12/04/2017	Copper, Total	Group 2	Daily Maximum	0.104	0.338	lb/day	N	225%	06/07/2017	S	N/A	Y	13385(h)	\$ 3,000
93	1038329	12/31/2017	Copper, Total	Group 2	30-Day Average	0.052	0.338	lb/day	N	550%	07/04/2017	S	N/A	Y	13385(h)	\$ 3,000
94	1038323	12/31/2017	Copper, Total	Group 2	30-Day Average	25	162.1	ug/L	N	548%	07/04/2017	S	N/A	Y	13385(h)	\$ 3,000
95	1039667	01/03/2018	Enterococci	Other	Daily Maximum	100	110	MPN/100	N	N/A	07/07/2017	C	10	Y	13385(i)	\$ 3,000
96	1039666	01/08/2018	Copper, Total	Group 2	Monthly Average	25	104.2	ug/L	N	317%	07/12/2017	S	N/A	Y	13385(h)	\$ 3,000
97	1041598	01/09/2018	Copper, Total	Group 2	Daily Maximum	0.104	0.217	lb/day	N	109%	07/13/2017	S	N/A	Y	13385(h)	\$ 3,000
98	1041597	01/31/2018	Copper, Total	Group 2	Monthly Average	0.052	0.217	lb/day	N	317%	08/04/2017	S	N/A	Y	13385(h)	\$ 3,000
99	1041596	01/31/2018	Copper, Total	Group 2	Daily Maximum	50	104	ug/L	N	108%	08/04/2017	S	N/A	Y	13385(h)	\$ 3,000
100	1041089	02/28/2018	Copper, Total	Group 2	Monthly Average	25	71.5	ug/L	N	186%	09/01/2017	C	15	Y	13385(i)	\$ 3,000
101	1041600	02/28/2018	Copper, Total	Group 2	Monthly Average	0.052	0.149	lb/day	N	187%	09/01/2017	S	N/A	Y	13385(h)	\$ 3,000
102	1041601	02/28/2018	Copper, Total	Group 2	Daily Maximum	0.104	0.149	lb/day	N	43%	09/01/2017	S	N/A	Y	13385(h)	\$ 3,000
103	1041599	02/28/2018	Copper, Total	Group 2	Daily Maximum	50	71.5	ug/L	N	43%	09/01/2017	S	N/A	Y	13385(h)	\$ 3,000
104	1043104	03/29/2018	Copper, Total	Group 2	Daily Maximum	0.104	0.187	lb/day	N	80%	09/30/2017	S	N/A	Y	13385(h)	\$ 3,000
105	1043102	03/30/2018	Copper, Total	Group 2	Daily Maximum	50	89.49	ug/L	N	79%	10/01/2017	S	N/A	Y	13385(h)	\$ 3,000
106	1042986	03/31/2018	Copper, Total	Group 2	Monthly Average	25	89.49	ug/L	N	258%	10/02/2017	C	21	Y	13385(i)	\$ 3,000
107	1042987	03/31/2018	Cyanide, Free Available	Group 2	Monthly Average	4.3	8	ug/L	N	86%	10/02/2017	C	22	Y	13385(i)	\$ 3,000
108	1043103	03/31/2018	Copper, Total	Group 2	Monthly Average	0.052	0.187	lb/day	N	260%	10/02/2017	S	N/A	Y	13385(h)	\$ 3,000
109	1043773	04/30/2018	Cyanide, Free Available	Group 2	Monthly Average	4.3	6	ug/L	N	40%	11/01/2017	C	20	Y	13385(i)	\$ 3,000
110	1047927	07/10/2018	Cyanide, Free Available	Group 2	Maximum Daily	8.5	9	ug/L	N	6%	01/11/2018	S	N/A	Y	13385(h)	\$ 3,000
111	1047909	07/31/2018	Cyanide, Free Available	Group 2	Monthly Average	4.3	9	ug/L	N	109%	02/01/2018	C	12	Y	13385(i)	\$ 3,000

Total Penalty: \$ 276,000

- 1 - Violation occurs on sample date or last date of averaging period.
- 2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more
- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more
- 3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed

Violation period ending the last day of July 2018

Group I Violations Assessed MMP: 19
Group II Violations Assessed MMP: 64
Other Effluent Violations Assessed MMP: 9
Violations Exempt from MMP: 19
Total Violations Assessed MMP: 92

Mandatory Minimum Penalty = (61 Serious Violations + 31 Non-Serious Violations) x \$3,000 = \$276,000

Se #	Violation Number	SMR	Violation Type	Due Date	Received Date	Days Late	# of Complete 30-Day Periods	Serious** Violation?	Water Code Section 13385	Amount Per 30-Day Period	Mandatory Fine?
1	1031394	Annual 2016	Late Report	02/01/2017	09/11/2017	222	7	Yes	(h)(1)	\$3,000	\$21,000

January 2019

ACL Complaint #R7-2017-0040 Compliance Project
Proposal

Seeley County Water District
Seeley, California

Drafted by Aaron Garcia

Seeley County Water District Wastewater Treatment Plant Chief Plant Operator

with assistance from John Kemp of JHK Consulting

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Violations as listed in CIWQS MMP Report 9_5_18-MJ:

70 total violations under Order R7-2012-001 not covered by CDO R7-2011-0058

- 36 Total Cyanide Violations
- 12 Total BOD Violations
- 7 Total Bacterial Violations
 - 4 Enterococci
 - 3 Fecal Coliform
- 7 Bis (2-Ethylhexyl) phthalate violations
- 6 Total TSS Violations
- 1 Oil and Grease Violation
- 1 Zinc Violation

Plus 23 total violations under Order R7-2017-0016

- 16 Total Copper violations
- 4 Total Cyanide Violations
- 3 Total Bacterial Violation
 - 1 Enterococci
 - 2 Fecal Coliform

Plus 1 reporting violation

Statements on the Violations

Bacteriological violations from 10.30.2012 - 11.28.2017 amount to 9 total violations. During the life of the new permit period (11.2017 - 2022) there has been a single Enterococci for exceeding maximum allowable density in the month of January 2018. There have been no bacteriological issues in the eight months following that violation. SCWD contends that bacteriological violations are not a current or future concern.

BOD violations during the same timeframe amount to 12 total violations with the most recent occurring in March of 2017. During the life of the new permit period (11.2017-2022) there have been no BOD violations. Average monthly effluent BOD for our facility is 18.3 mg/l, 28% lower than current permit limitations. SCWD contends that BOD violations are not a current or future concern provided that permit provisions for BOD effluent limitations are not significantly lowered for the next permit period.

TSS violations during the same timeframe amount to 6 total violations with the most recent occurring in 09.2015. During the life of the new permit period (11.2017 - 2022) there have been no

TSS violations. Average effluent TSS is 18 mg/l, 40% lower than the current permit limitations. Permit limitations for TSS were already lowered for the current permit because SCWD WWTP effluent can “consistently meet effluent limitations for TSS more stringent than the prior Order.”(page F-15 of Order R7-2017-0016) Because of this SCWD contends that TSS violations are not a current or future concern provided provisions for TSS effluent limitations are not significantly lowered for the next permit period.

The single Zinc violation occurred in 02.2017 with no Zinc issues occurring during any of the following months. Zinc monitoring is no longer required in our current permit. The single oil and grease violation occurred back in 12.2014 with no oil and grease violations during any of the following months. The 7 Bis(2-Ethylhexyl)phthalate violations occurred between 02.2015 - 04.2015 with no violations occurring in the following months.

The reporting violation was due to operator inexperience and a lack of direction due to a change in management and change in Chief Plant Operator. Sample was collected too late in the year to receive timely results.

Due to the consistent violations for effluent copper and cyanide during the current permit term Seeley CWD proposes to focus the scope of this proposal on copper and cyanide.

Key Points For the Project Proposal

1. Seeley CWD owns and operates a waste receiving station (“dump station”) that receives an average of 140,000 gallons of port-a-potty and septic wastes per month from up to 22 companies although only 4 companies do the majority of the discharging.
2. The Seeley CWD Water Treatment Plant receives water from IID canal through the Elder Canal with an average copper concentration of 13.34 ug/l. There has been only one Cyanide test conducted on WTP source water with a negative result. The Seeley CWD Wastewater Treatment Plant influent lift station receives an average Copper concentration of 160 ug/l, drastically higher than water entering the potable water treatment facility. Copper and Cyanide samples taken from the influent lift station are currently collected when the dump station is in operation so there is no way, under current conditions, to determine whether Copper and/or Cyanide sources are wastes discharged at the dump station or wastes coming from the collection system. Currently Cyanide is not monitored at the treatment plant influent lift station so there are no averages to report.
3. Seeley CWD holds that wastes discharged into Seeley CWD WWTP through the dump station is responsible for the Cyanide violations and for the high Copper concentrations.

Previously Submitted Compliance Project Outline

(Taken in its entirety from *Compliance Project Outline* submitted to Water Board on May 22nd 2018)

SCWD is proposing the following for a compliance project in order to mitigate ACL #R7-2017-0040. The items listed within the overall project were selected in order to minimize future issues related to metals in the discharge from the WWTP. It will key on the dumper station that is currently receiving waste from several companies.

1. Increased monitoring of waste brought to the plant by the disposal companies. This will be done in a two- step process with sampling and testing done on site as well as samples taken to the lab for analysis.
2. Staff education and training. This will be accomplished through attendance at schools and in-house training. In house training will emphasize review of dumper waste and sampling/analysis.
3. Addition of staff hours to monitor dumper disposal and testing.
4. Installation of a holding/monitoring facility which will monitor pH, temperature, of dumper waste to assist in identifying potential toxic loads.
5. Design of the holding/monitoring facility
6. Additional monitoring of all metals in influent waste that are currently required by permit to establish a baseline for future use.

The district is proposing a 5 year plan to accomplish these goals as costs need to be spread out over several budget years. The initial expenditures will be applied to increased monitoring and testing, staff education, and additional staff/staff hours to oversee the monitoring and analysis. The following are the costs associated with the proposed project for each fiscal year.

1. Purchase laboratory equipment and testing chemicals/strips to perform analysis on waste.
2. Begin design on holding/monitoring station. We can receive assistance on this design by Hazen & Sawyer
3. Additional training for staff

4. Additional staff hours for monitoring and analysis. This can be accomplished by hiring new staff or by moving part time staff to full time status with the increase in hours being dedicated to the compliance project.
5. Additional laboratory sampling including the monitoring of all metals required by permit at treatment plant influent, possibly even at water treatment plant effluent.
6. Purchase and installation of holding/monitoring facility.

Work will commence immediately upon approval of the project concept by the regional board. The following timeline provides which items will be done by fiscal year.

1. FY 18/19 will commence with additional monitoring, staff education and training, design of holding tank, and increased staff hours.
2. FY 19 through FY 22 will be a continuation of the FY18/19 but the design should be completed.
3. FY22/23 Installation of holding/monitoring system.

State Water Board's response:

CP needs to address the violations of 1) BOD/TSS, 2) Bacteria, 3) Cyanide, and 4) copper. The proposed CP only includes investigation (sources), but no control measures proposed (treatment).

1. The proposed CP needs to include 1) detailed schedule and 2) budget.
2. I recommend that CP establish 1) Dump station monitoring program, 2) Inflow monitoring program, and 3) Additional control measures
3. The max compliance schedule is 5-year. No more extension is allowed after that.

Violations related to BOD, TSS, and bacteria were addressed earlier under the *Statements on the Violations* section of this proposal.

Updated Compliance Project Proposal Budget: updated January 15th 2019

At last count SCWD has \$297,000 in penalty fines associated with effluent discharge violations and the Compliance Project proposal assumes a total fine amount of \$297,000. Over the next 5 budget years Seeley CWD proposes to spend \$297,000 of District funds to accomplish the following:

1. Further investigate and identify the source of the copper and cyanide violations
2. Eliminate and/or control the source(s) of the copper and cyanide violations
3. Improve the dump station to include better solids screening, monitoring of pH, Temperature, D.O., and the addition of an aerated holding tank or modifying an existing pond to control flows into the treatment plant.

Updated: January 15th, 2019

Revised Compliance Project Proposal Schedule:

In light of the additional \$3,000 in additional penalties Seeley CWD proposes to spend an additional \$3,000 to more carefully monitor and copper and cyanide discharges into the dump station and wastewater treatment facility through additional dumper truck discharge monitoring with the intent to ban trucks and/or companies from using our facility. These additional funds will be added to Budget Year 1.

Budget Year 1:

Proposed spending of **\$46,886**. A small amount (about \$5000) is to be used on preliminary engineering and general concept designing of dump station upgrades. Budget Year 1 is almost entirely investigative to help identify the sources for the cyanide and copper contamination. Actions taken beyond year 1 are dependent on the outcome of the results of year 1.

1. **\$6,000** to be spent on JHK Consulting for work performed assisting SCWD on work related to the Compliance Project. Includes time reviewing draft documents, attending SCWD Board Meetings to provide updates, and conferencing with Hazen on scope of proposed work.
2. **\$7,000** to be spent on an additional 10 working hours per week for staff to be spent at the dump station on Compliance Project related duties (this cost will increase by 3.5% per year

due to provisions in MOU with labor union). These duties will include collecting pH, Temperature, DO, TDS, and conductivity grabs from every truck discharging into the facility for record keeping and monitoring purposes. Copper and Cyanide samples will be collected from randomly selected trucks and/or from trucks whose discharges have pH, Temperature, DO, TDS, and conductivity reads that are out of acceptable parameters (triggered testing).

3. **\$2000** Administrative time spent on source control. Specifically contacting and communicating with Imperial County Public Health Department requesting and helping to create a database of companies discharging Copper and Cyanide to our facility. Additionally an effort will be made to make the waste hauling business owners aware of the issue with an intent to educate the businesses and their drivers of the necessity of being aware of what is in their loads.
4. **\$8,182** to be spent on influent monitoring and sampling. Currently composite sampling is run during the week on Tuesdays when the dump station is operational. Cyanide is not currently monitored at the treatment plant influent. Once this proposal is approved composite sampling will be run on Sundays when the dump station is not in operation. Additionally, cyanide and copper will be monitored weekly at a cost of **\$150** per week during year 1. This will serve to give us better information on how much copper and cyanide are entering the wastewater treatment facility without dump station interference. During year 2 sampling frequency will be reduced to twice per month. During year 3 sampling frequency will be reduced to once per month.
5. **\$13,484** to be spent on a lab probe, a small refrigerator and lab testing at the rate of **\$150** per truck tested. SCWD will purchase additional probes (**\$684 price includes est. cost of shipping and tax**) capable of measuring pH, Temperature, DO, TDS, and conductivity to be used exclusively for the dump station as well as a small refrigerator (**\$200 price includes est. taxes**) to hold Copper and Cyanide samples while waiting for transport to laboratory. Since only 4 of the 22 companies do the majority of the discharging into our facilities we propose that one truck per company have its discharge collected and analyzed for Copper and Cyanide on a weekly basis. During these first 4 weeks no other companies will have their discharge analyzed unless their discharge triggers testing. Cost for the first 4 weeks of sampling is estimated to be **\$2,400**. After the first 4 weeks all sampling will be done randomly or based on triggered testing. Cost for this phase of testing is unknown but will need to be capped at **\$10,200** (which amounts to 5 - 6 trucks per month over the course of

12 months although actual sampling frequency will be determined by experience and on-site observations). This will begin immediately after this proposal is accepted. This will be capped at no more than 2 trucks per month during years 3,4, and 5.

6. **\$5,220** to be spent on additional effluent Copper and Cyanide monitoring. Rather than collecting a single effluent grab sample for Copper and Cyanide one time per month, three (3) Copper and three (3) Cyanide grab samples will be collected throughout the course of a single day once every month. Samples will be collected in the morning, afternoon, and at the close of the workday and will be labeled and stored according to lab directions while samples await transport to lab for analysis. The objective of this additional sampling is to eliminate the possibility of false positives and to capture a more representative sample of the Copper and Cyanide concentrations in our waste plant effluent.
7. **\$5000** to be spent on consulting for preliminary engineering and conceptual work designing the dump station improvements. These dump station improvements will include a septage receiving package unit which feature solids removal and inline monitoring. Additionally this unit will tie into an aerated holding pond that keep dump station wastes separate from general wastewater collection system flows. The purpose of the additional pond or modification to an existing pond is to keep the two waste sources separate and control the dump station waste flows into the general wastewater treatment plant flows.

Budget Year 2:

Proposed spending of up to **\$46,389**. For budget year 2 it is anticipated that the source(s) for the Cyanide contamination have been identified and blocked from discharging into the facility. Source control program, influent and effluent monitoring programs continue.

1. **\$23,254** Carry over of Budget year 1 items 2 - 6 minus the \$884 for the cost of a probe and lab refrigerator. (\$7,245 staff hours, \$2,000 Source Control Admin, \$3,082 INF monitoring, \$7,200 Dump station monitoring, \$3,727 EFF monitoring). Monitoring of collection system Cyanide will no longer be conducted on a weekly basis under the assumption that Cyanide is not coming from the collection system. Effluent monitoring expenses will be capped at \$3,727.
2. **\$23,135** will be spent on consulting, engineering, and on the design of the dump station improvements. The purpose of the improvements and of the additional pond or modification to existing pond is to keep the collection system and dump station wastes separate and control the flows into the treatment plant. Also to be explored is the financial viability of using pH adjustment and chemical precipitation for Copper reduction. A report will be created highlighting the costs, timeline, and the general facility improvements

required to implement such a solution to the Copper problem. If Cyanide cannot be reliably controlled by blocking the use of the dump station during the BY 1 and 2 of the CP, a report reviewing the feasibility of on site Cyanide treatment will be created during BY 3.

Budget Year 3:

Proposed spending of **\$55,129**. For budget year 3 it is anticipated that the source(s) for the Cyanide contamination have been identified and blocked from discharging into the facility. Dump station monitoring, and effluent monitoring programs continue.

1. **\$19,907** Carry over of Budget year 1 items 2, 3, 5 and 6. Excludes cost of probe and refrigerator. (\$7,498 staff hours, \$2,000 Source Control Admin, \$3,082 INF monitoring, \$3,600 Dump station monitoring, \$3,727 EFF monitoring). Effluent monitoring expenses will be capped at \$3,727.
2. **\$16,865** will be spent continuing the consulting, engineering, and design of the dump station improvements. Additionally a report will be created highlighting the costs, timeline, and the general facility improvements required to implement a Cyanide treatment technology at the current treatment plant facility.
3. **\$18,357** to be put aside during year 3 towards the purchase of the septage receiving unit and the specifications for installation at the end of year 4.

Budget Year 4:

Proposed spending of **\$73,025**.

1. **\$15,088** Carry over of Budget year 1 items 2, 5 and 6. Excludes cost of probe and refrigerator. (\$7,761 staff hours, \$3,600 Dump station monitoring, \$3,727 EFF monitoring) Effluent monitoring expenses will be capped at \$3,727.
2. **\$47,937** to be put aside during year 4 towards the purchase of the septage receiving unit and the specifications for installation at the end of year 4.
3. **\$10,000** to be put aside for bidding and construction administration for the dump station improvements at the end of BY 5

Budget Year 5:

Proposed spending of **\$75,571**.

1. **\$15,259** Carry over of Budget year 1 items 2, 5, and 6. Excludes the cost of probe and refrigerator. (\$8,032 staff hours, \$3,600 Dump station monitoring, \$3,727 EFF monitoring). Effluent monitoring expenses will be capped at \$3,727.

2. **\$60,212** will be spent by the District on the installation of the septage receiving plants and modifying existing ponds (or creating new pond) according to BY 2-3 engineering work.

ACLC #R7-2017-0040 Compliance Project Proposal Table

Plan	Activities	Objective	Year 1	Year 2	Year 3	Year 4	Year 5	
JHK Consulting (consulting services)	Assisting SCWD on work related to the Compliance Project.	Keep in compliance	6000	0	0	0	0	6000
Additional working hours (Staff Cost)	Collecting pH, Temperature, DO, TDS, and conductivity grabs from every truck discharging into the facility for record keeping and monitoring purposes. Copper and Cyanide samples will be collected from randomly selected trucks and/or from trucks whose discharges have pH, Temperature, DO, TDS, and conductivity reads that are out of acceptable parameters (triggered testing).	Dump station monitoring (Influent) and education	7000	7245	7498	7761	8032	37536
Administrative Time	Time spent on source control. Specifically contacting and communicating with Imperial County Public Health Department helping to create a database of companies discharging Copper and Cyanide to our facility. Additionally an effort will be made to make the waste hauling business owners aware of the issue with an intent to educate the businesses and their drivers of the necessity to be aware of what is in their loads.	Source Control and education.	2000	2000	2000	0	0	6000
Influent monitoring and sampling at Influent Lift Station (Monitoring Cost)	Composite sampling will be run on Sundays when the dump station is not in operation. Additionally, cyanide and copper will be monitored weekly at a cost of \$150 per week during year 1. This will serve to give us better information on how much copper and cyanide is entering the wastewater treatment facility without dump station interference. Only copper samples will be collected during years 2 and 3 under the assumption that Cyanide is not coming from the city collection system.	Influent. Collection System Monitoring. How much copper and cyanide is entering the wastewater treatment facility without dump station interference.	8182	3082	3082	0	0	14346
Testing Equipment and Dump Station monitoring (Equipments/monitoring)	Additional probes (\$684 includes est. cost of shipping and tax) capable of measuring pH, Temperature, DO, TDS, and conductivity to be used exclusively for the dump station as well as a small refrigerator (\$200 price includes est. tax) to hold Copper and Cyanide samples while waiting for transport to laboratory. Cost for the first 4 weeks of sampling is estimated to be \$2,400 . After the first 4 weeks all sampling will be done randomly or based on triggered testing. Cost for this phase of testing is unknown but will need to be capped at \$10,200 (amounts to 5 -6 trucks per month over the course of 12 months although actual sampling frequency will be determined by experience and on-site observations). This will be capped at no more than 2 trucks per month during years 3, 4, and 5.	Influent. Dump Station Monitoring. Identify sources of Cyanide and Copper contamination.	13484	7200	3600	3600	3600	31484

ACLC #R7-2017-0040 Compliance Project Proposal Table

Effluent Monitoring	Effluent Copper and Cyanide monitoring. Rather than collecting a single effluent grab sample for Copper and Cyanide one time per month, three (3) Copper and three (3) Cyanide grab samples will be collected throughout the course of a single day once every month. Samples will be collected in the morning, afternoon, and at the close of the workday and will be stored according to lab directions while samples await transport to lab for analysis	The objective of this additional sampling is to eliminate the possibility of false positives and to capture a more representative sample of the Copper and Cyanide concentrations in our waste plant effluent.	5220	3727	3727	3727	3727	20128
Consulting services	Year 1: Consulting, preliminary engineering and conceptual work designing the dump station improvements Year 2: Consulting, engineering, and on the design of the dump station improvements. Year 3: Consulting, engineering, and design of the dump station improvements continue.	Dump station improvements will include a septage receiving package units which features solids removal and inline monitoring. Additionally this unit will tie into an aerated holding pond (new pond or modify an existing pond) that keeps dump station wastes separate from general wastewater collection system flows. The purpose of the additional pond is to keep the two waste sources separate and only introduce dump station wastes at a controlled rate. Also to be explored is the financial viability of using pH adjustment and chemical precipitation for Copper reduction. A report will be created highlighting the costs, timeline, and the general facility improvements required to implement such a solution to the Copper problem. Additionally a report will be created highlighting the costs, timeline, and the general facility improvements required to implement a Cyanide treatment technology at the current treatment plant facility.	5000	23135	16865	0	0	45000
Equipment Purchase	Purchase of septage receiving unit. Money will be put aside for this purchase during years 3 and 4 to lessen the financial impact.	Dump station improvements.	0	0	18357	47937	0	66294
Professional Services	Bidding and Construction Management	Money put aside for CM dedicated to the construction of the dump station improvements at the end of year 5	0	0		10000	0	10000
Construction	Plant Upgrade Installation	Dump station improvements begin. Installation of septage receiving unit and creation of aerated holding pond or modification of existing pond for the purpose of controlling dump station flows	0	0	0	0	60212	60212
Sub-total			46886	46389	55129	73025	75571	297000

SCWD Proposed CP (Total \$297,000)

1. Consulting Service to Maintain Compliance (\$6,000; Completion Date: 12/1/2019)

a. Consulting Service

Assisting SCWD on works related to maintain compliance in 1) permit requirements and 2) Compliance Project:

- Reviewing documents
- Providing updates to SCWD Board
- Conferencing with SCWD/Consultant on scope of proposed works

Expenditure: (Total: \$6,000)

- Year 1: \$6,000

2. Outreach and Education for Source Control (\$6,000; Completion Date: 12/1/2021)

a. Administrative Time (Source Control and Education)

Communicating with relevant agencies to locate copper and cyanide dischargers:

- Assistance from County Public Health Department to create a database of companies discharging copper and cyanide to the facility.
- Educating the waste hauling business owners and staff

Expenditure: (Total: \$6,000)

- Year 1: \$2,000
- Year 2: \$2,000
- Year 3: \$2,000

3. Additional Monitoring for Source Control (\$34,474; Completion Date: 12/1/2023)

a. Influent Monitoring (Completion Date: 12/1/2021)

Collection system monitoring for copper and cyanide without dump station operation (no waste Hauler discharges):

- Monitoring influent without dump station discharges.
- Composite samples collection to analyze copper and cyanide during year 1. Years 2 and 3 will only analyze Copper.

Expenditure: (Total: \$14,346)

- Year 1: \$8,182
- Year 2: \$3,082
- Year 3: \$3,082

b. Additional Effluent Monitoring for Copper and Cyanide (Completion Date: 12/1/2023)

Additional sampling to clarify potential false positive and to capture more representative samples of copper and cyanide in the effluent throughout the 5 year life of the Compliance Project:

- Additional samples to be collected during monthly monitoring event. Sample delivery and analysis cost.

Expenditure: (Total: \$20,128)

- Year 1: \$5,220
- Year 2: \$3,727
- Year 3: \$3,727

- Year 4: \$3,727
- Year 5: \$3,727

4. Dump Station Improvement Project (\$247,526; Completion Date: 12/1/2023)

a. Additional Staff Cost (Waste Hauler Monitoring)

Spending additional staff hours at the dump station on Compliance Project during the 5 year life of the Compliance Project. Cost includes total burden of additional staff hours on Water District budget including the cost of annual raises due to provisions with labor union MOU:

- Collecting additional samples from every truck discharging into the dump station and analyzing for Temperature, DO, TDS, and conductivity (triggered test).
- Keeping records and monitoring
- Random samples collecting for copper and cyanide analysis based on the triggered testing

Expenditure: (Total: \$37,536)

- Year 1: \$7,000
- Year 2: \$7,245
- Year 3: \$7,498
- Year 4: \$7,761
- Year 5: \$8,032

b. Testing Equipment and Additional Lab Analytical Cost at Dump Station

Additional testing equipment and analytical cost for dump station monitoring (Waste Hauler Monitoring):

- Purchasing additional test probes and refrigerator during year 1.
- Samples delivery and analyses cost during the 5 years of the Compliance Project.

Expenditure: (Total: \$31,484)

- Year 1: \$13,484
- Year 2: \$7,200
- Year 3: \$3,600
- Year 4: \$3,600
- Year 5: \$3,600

c. Consulting Service (Design New Dump Station)

Designing dump station for improvement:

- A septage receiving package unit which feature solid removal and inline monitoring.
- The septage receiving package unit will tie into an aerated holding pond (new pond or modifying an existing pond) that keeps dump station wastes separate from waste stream from general wastewater collection system
- Potential chemical precipitation for copper reduction
- Potential cyanide treatment for wastewater

Expenditure: (Total: \$45,000)

- Year 1: \$5,000
- Year 2: \$23,135

- Year 3: \$16,865

d. Equipment Purchase (Septage Receiving Unit)

Dump station improvement with new septage receiving unit:

- Purchase of the septage receiving unit
- Plans and specifications for installation

Expenditure: (Total: \$66,294)

- Year 3: \$18,357
- Year 4: \$47,937

e. Professional Service (Bidding and Construction Management)

Service for bidding and construction administration for dump station improvement:

- Bidding and construction management

Expenditure: (Total: \$10,000)

- Year 4: \$10,000

f. Construction (Dump Station Improvement)

Plant Upgrade Installation:

- Installing the septage receiving unit and creating aerated holding pond Purchase of the septage receiving unit
- Reach full compliance of effluent requirements

Expenditure: (Total: \$60,212)

- Year 5: \$60,212