

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

In the matter of:)
)
) **Order No. R4-2014-0049**
University of California,)
Los Angeles)
) **Settlement Agreement and Stipulation**
) **for Entry of Order; Order**
)
_____)

Section I: INTRODUCTION

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (“Stipulated Order” or “Order”) is entered into by and between the Assistant Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (“Los Angeles Water Board”), on behalf of the Los Angeles Water Board Prosecution Staff (“Prosecution Staff”), and the University of California, Los Angeles (“Settling Respondent”) (collectively the “Parties”) and is presented to the Los Angeles Water Board, or its delegate, for adoption as an order by settlement, pursuant to Government Code section 11415.60.

Section II: RECITALS

1. The Settling Respondent owns and operates a small sewage collection system that serves its university campus in Los Angeles County, California. Sewage from the collection system is conveyed to and treated at the City of Los Angeles Hyperion Treatment Plant. The collection system serves approximately 55,000 people and consists of three miles of gravity sewers and 180 service connections.
2. The collection system is subject to the waste discharge requirements in State Water Resources Control Board (“State Water Board”) Order 2006-0003-DWQ, the *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, its associated Monitoring and Reporting Program, and its amendments (State Water Board Orders WQ-2008-0003-EXEC and WQ 2013-0058-EXEC).
3. The Settling Respondent is alleged to have violated the waste discharge requirements order with sanitary sewer overflow spills that reached surface waters on sixteen occasions between February 5, 2007 and June 24, 2014. The Table of Violations contained in Attachment A identifies the specific alleged spills and is incorporated herein by reference. The Settling Respondent denies liability. The Los Angeles Water Board is authorized to impose administrative civil liability for these sixteen violations pursuant to California Water Code section 13385, subdivisions (a)(2) and (c).

4. To resolve by consent and without further administrative proceedings the alleged violations of the California Water Code, the Parties have agreed to the imposition of an administrative civil liability in the amount of \$93,000 against the Settling Respondent, which includes \$6,451 in staff costs. Total payment of \$93,000 to the State Water Resources Control Board Pollution Cleanup and Abatement Account is due no later than 30 days following the Los Angeles Water Board executing this Order. The liability amount was determined using a factors analysis consistent with Water Code section 13385, subdivision (e), and the State Water Board Enforcement Policy as shown in Attachment B, incorporated herein 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 Stipulated Order to the Los Angeles Water Board, or its delegate, for adoption as an order by settlement pursuant to Government Code section 11415.60. The Prosecution Staff contends 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 in the Complaint except as provided in this Stipulated Order and that this Stipulated Order is in the best interest of the public.

Section III: STIPULATIONS

The Parties stipulate to the following:

6. **Administrative Civil Liability:** The Respondent hereby agrees to the imposition of an administrative civil liability totaling \$93,000. Within thirty days of the effective date of this Order, the Respondent agrees to remit, by check, NINETY THREE THOUSAND DOLLARS (\$93,000), payable to the *State Water Pollution Cleanup and Abatement Account*, and shall indicate on the check the number of this Order. The Respondent shall send the original signed check to:

Division of Administrative Services
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

and shall send a copy to:

Los Angeles Regional Water Quality Control Board
Attn: Kristie Kao
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

7. **Compliance with Applicable Laws:** The Respondent understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order and compliance with the terms of this Stipulated Order is not a substitute for compliance with

applicable laws, and that violations of the type alleged in the Complaint may subject it to further enforcement, including additional administrative civil liability.

8. 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.

9. No Admission of Liability: The Parties each recognize that the Settlement Agreement and Order have been negotiated in good faith, are the compromise of disputed claims, and do not constitute an admission of liability by the Settling Respondent. The Settling Respondent agrees that in the event of any future enforcement actions by the Regional Water Board, this Order may be used as evidence of a prior enforcement action consistent with Water Code section 13327.

10. Matters Addressed by Stipulation: Upon the Los Angeles Water Board's adoption of this Stipulated Order, this Order represents a final and binding resolution and settlement of the violations alleged in this Stipulated Order ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on the full payment of the administrative civil liability, in accordance with Paragraph 6. The Respondent shall be released from any and all claims or penalties arising from the alleged incidents subject to the alleged violations contained in Attachment A.

11. Public Notice: The Respondent understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Los Angeles Water Board, or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Los Angeles Water Board, or its delegate, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Los Angeles Water Board, or its delegate. The Respondent agrees that it may not rescind or otherwise withdraw their approval of this proposed Stipulated Order.

12. Addressing Objections Raised During Public Comment Period: The Parties agree that the procedure contemplated for the Los Angeles Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, are in compliance with applicable law. In the event procedural objections are raised prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as reasonably necessary or advisable under the circumstances.

13. No Waiver of Right to Enforce: The failure of the Prosecution Staff or Los Angeles 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 the Order. The failure of the Prosecution Staff or Los Angeles Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.

14. 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.

15. Modification: This Stipulated 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 by the Los Angeles Water Board.

16. If Order Does Not Take Effect: In the event that this Stipulated Order does not take effect because it is not approved by the Los Angeles Water Board, or its delegate, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Los Angeles 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 conduct and oral and written statements and agreements during the course of settlement negotiations will not be admissible pursuant to California Government Code section 11415.60 and Evidence Code section 1152. Notwithstanding the foregoing, the Parties agree to waive any and all objections based on settlement communications in this matter as to:

- a. Objections related to prejudice or bias of any of the Los Angeles Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Los Angeles 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.

17. Waiver of Hearing: The Respondent has been informed of the rights provided by Water Code section 13323(b), and hereby waives its right to a hearing before the Los Angeles Water Board prior to the adoption of the Stipulated Order.

18. Waiver of Right to Petition: Upon this Stipulated Order taking effect, the Respondent hereby waives its right to petition the Los Angeles Water Board's adoption of the Stipulated Order as written for review by the State Water Board and further waive its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

19. Covenant Not to Sue: Upon this Stipulated Order taking effect, the Respondent 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.

20. Los Angeles Water Board is Not Liable: Neither the Los Angeles Water Board members nor the Los Angeles 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 Respondents, their directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.

21. 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 Order.

22. 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.

23. Effective Date: This Stipulated Order shall be effective and binding on the Parties upon the date the Los Angeles Water Board, or its delegate, enters the Order.

24. Counterpart Signatures: 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.

IT IS SO STIPULATED.

Los Angeles Regional Water Quality Control Board

By: Paula Rasmussen
Paula Rasmussen
Assistant Executive Officer

Date: July 31, 2014

University of California, Los Angeles

By: _____
Jack Powazek
Administrative Vice Chancellor

Date: _____

20. Los Angeles Water Board is Not Liable: Neither the Los Angeles Water Board members nor the Los Angeles 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 Respondents, their directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.

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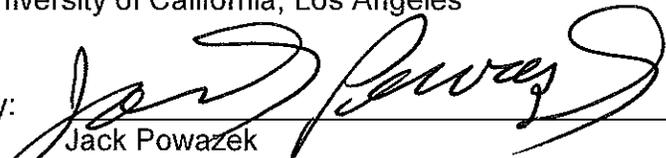
IT IS SO STIPULATED.

Los Angeles Regional Water Quality Control Board

By: _____
Paula Rasmussen
Assistant Executive Officer

Date: _____

University of California, Los Angeles

By:  _____
Jack Powazek
Administrative Vice Chancellor

Date: AUG 4, 2014

Order of the Los Angeles Water Board

25. In adopting this Stipulated Order, the Los Angeles Water Board or its delegate has considered, where applicable, each of the factors prescribed in Water Code sections 13327 and 13385, subdivision (e). The consideration of these factors is based upon information and comments obtained by the Los Angeles Water Board's staff in investigating the allegations in the Stipulated Order or otherwise provided to the Los Angeles Water Board by the Parties and members of the public. In addition to these factors, this settlement recovers the costs incurred by the staff of the Los Angeles Water Board for this matter.

26. This is an action to enforce the laws and regulations administered by the Los Angeles Water Board. The Los Angeles 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.

27. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Order of the Los Angeles Water Board.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** by the California Regional Water Quality Control Board, Los Angeles Region.

Samuel Unger, P.E.
Executive Officer

Date: _____

Attachment A: Table of Violations

Attachment B: Recommended Administrative Civil Liability

Attachment A

**Table of Violations
UCLA Collection System**

Spill	Start Date	End Date	Days	Location	Gallons Discharged	Gallons Recovered	Gallons to Surface Water	Penalty
1	2/5/2007	2/5/2007	1	405 Hilgard	1,700	0	1,700	\$3,400
2	2/14/2007	2/14/2007	1	Westwood Blvd. and Stein Plaza	13,540	0	13,540	\$48,744
3	10/2/2007	10/2/2007	1	Charles Dr. and Tiverton	1,300	500	700	\$1,350
4	6/11/2008	6/11/2008	1	UCLA	3,000	0	3,000	\$6,000
5	6/30/2008	6/30/2008	1	Charles Dr. and Tiverton	8,000	6,850	1,150	\$1,725
6	7/6/2010	7/8/2010	3	Manhole, Krieger Childcare Center	500	0	500	\$4,500
7	9/7/2010	9/7/2010	1	Krieger Childcare Ctr. Parking lot	400	0	400	\$1,500
8	9/18/2011	9/18/2011	1	Los Angeles Tennis Center	1,200	0	1,200	\$1,200
9	12/2/2011	12/2/2011	1	405 Hilgard	500	400	100	\$100
10	2/4/2013	2/4/2013	1	Lab School	40	39	1	\$100
11	3/13/2013	3/13/2013	1	Facilities Management Building Road	25	24	1	\$100
12	5/14/2013	5/14/2013	1	Tennis Center	500	450	50	\$100
13	10/18/2013	10/18/2013	1	GSEIS, 290 Charles E. Young Drive	50	0	50	\$130
14	10/20/2013	10/20/2013	1	Hedrick Hall	4,000	0	4,000	\$16,000
15	3/19/2014	3/19/2014	1	618 Charles E. Young Drive	1,425	500	825	\$1,500
16	6/24/2014	6/24/2014	1	Parking Structure #1	1,000	950	50	\$100

Attachment B

RECOMMENDED ADMINISTRATIVE CIVIL LIABILITY

On November 17, 2010, the State Water Resources Control Board (“State Water Board”) adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (“Enforcement Policy”). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in California Water Code 13385, subdivision (e). The policy can be found at: http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf

The stipulated administrative civil liability is based on the use of that methodology.

Initial Administrative Civil Liability Amounts

Violation 1: February 5, 2007 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 7. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (4 – above moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ* (“WDRs Order”) was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 700 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$1,400.

Per Day Determination:

Using the parameters above, the per day factor is 0.2. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$2,000.

Violation 2: February 14, 2007 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 8. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (4 – above moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (3 – above moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 12,540 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$50,160.

Per Day Determination:

Using the parameters above, the per day factor is 0.4. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$4,000.

Violation 3: October 2, 2007 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 6. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.15. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$1,500.

Violation 4: June 11, 2008 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 7. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (3 – above moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 2,000 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$4,000.

Per Day Determination:

Using the parameters above, the per day factor is 0.2. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$2,000.

Violation 5: June 30, 2008 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 6. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 150 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$225.

Per Day Determination:

Using the parameters above, the per day factor is 0.15. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$1,500.

Violation 6: July 6-8, 2008 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 6. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.15. The number of days for which liability may be assessed is 3 days. Therefore, the initial amount of liability based on the days of violation is \$4,500.

Violation 7: September 7, 2010 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 6. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.15. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$1,500.

Violation 8: September 18, 2011 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 5. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (2 – below moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 200 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$200.

Per Day Determination:

Using the parameters above, the per day factor is 0.1. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$1,000.

Violation 9: December 2, 2011 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 2. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (0 – more than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.01. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$100.

Violation 10: February 4, 2013 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 2. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (0 – more than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred. Using the parameters above, the per day factor is 0.01. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$100.

Violation 11: March 13, 2013 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 2. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (0 – more than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.01. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$100.

Violation 12: May 14, 2013 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 2. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (0 – more than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.01. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$100.

Violation 13: October 18, 2013 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 3. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the Statewide General Waste Discharge Requirements for Sanitary Sewer

Systems Order No. 2006-0003-DWQSSO was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.013. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$130.

Violation 14: October 20, 2013 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

The Potential for harm is 8. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (4 – above moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (3 – above moderate risk or threat); and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Liability is assessed on a discharge of 3,000 gallons since Water Code section 13385, subdivision (c), subtracts the first 1,000 gallons of a spill not cleaned up. Therefore, the initial amount of liability based on the volume discharged is \$12,000.

Per Day Determination:

Using the parameters above, the per day factor is 0.4. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$4,000.

Violation 15: March 19, 2014 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 6. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (3 – moderate); b) the physical, chemical, biological or thermal characteristics of the discharge (2 – moderate risk or threat);

and the susceptibility for cleanup or abatement (1 – less than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.15. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$1,500.

Violation 16: June 24, 2014 Sanitary Sewer Overflow (SSO)

Per Gallon Determination:

Since the total amount of gallons discharged was less than one thousand, there is no per gallon penalty determination.

Per Day Determination:

The Potential for harm is 2. This is determined by the sum of the factors for a) the potential for harm to beneficial uses (1 – minor); b) the physical, chemical, biological or thermal characteristics of the discharge (1 – minor risk or threat); and the susceptibility for cleanup or abatement (0 – more than 50% of the spill was capable of being cleaned up).

The deviation from requirements is moderate because the prohibition on SSOs in the WDRs Order was partially compromised by this spill having occurred.

Using the parameters above, the per day factor is 0.01. The number of days for which liability may be assessed is 1 day. Therefore, the initial amount of liability based on the days of violation is \$100.

Adjustments to Initial Liability

Violations 1 and 4 through 16 – Adjustment Factors

The Respondent's culpability factor is 1. This value is based on that the Respondent is responsible for the proper operation and maintenance of its collection system facilities, and for achieving full compliance with prohibitions and provisions of the WDRs Order.

The Respondent's cleanup and cooperation factor is 1. This value is based on that the Respondent voluntarily cooperated in returning to compliance and correcting environmental damage during and after sanitary sewer overflows.

The Respondent's history of violations factor is 1. This value is based on the fact that although the violations date back until 2007, the Respondent has never been issued an administrative civil liability.

Based on these adjustments, the amount revised from the initial liability is \$36,455 (Initial liability x culpability factor x cleanup and cooperation factor x history of violations factor) for these violations.

Violations 2 and 3 – Adjustment Factors

The Respondent's culpability factor is 0.9. This value is based on the following:

Violations 2 and 3: Prior to the start of the construction projects, the Respondent provided its contractors with up-to-date utility plans that identified the location of existing sewer lines. During both projects, the contractors drilled into known sewer pipes and took full responsibility for repair and clean-up cost.

The Respondent's cleanup and cooperation factor is 1. This value is based on that the Respondent voluntarily cooperated in returning to compliance and correcting environmental damage matter during and after sanitary sewer overflows.

The Respondent's history of violations factor is 1. This value is based on that although the violations date back to 2007, the Respondent has never been issued an administrative civil liability.

Based on these adjustments, the amount revised from the initial liability is \$50,094 (Initial liability x culpability factor x cleanup and cooperation factor x history of violations factor) for these violations.

TOTAL BASE LIABILITY AMOUNT

The sum of the revised initial revised liability for the violations is \$86,549.

ABILITY TO PAY AND ABILITY TO CONTINUE IN BUSINESS

The Respondent has the ability to pay the total base liability amount based on its robust university accomplishments (see www.ucla.edu).

Based on the information, the total base liability amount is not adjusted.

OTHER FACTORS AS JUSTICE MAY REQUIRE

Costs of Investigation and Enforcement

As of the date of the issuance of this Complaint, Enforcement staff has incurred costs of investigation and enforcement in the amount of \$6,451. Staff has expended 43 hours of staff time at \$150 per hour. Since this is a conservative estimate, \$1 was added to this amount to round out the total liability amount.

ECONOMIC BENEFIT

The economic benefit estimated for the violations is minimal since the Respondent has continually maintained its collection system as reasonably expected, has not delayed any significant capital improvement projects, and has not benefitted economically from its quick and thorough response to spills. Therefore, the liability should not be adjusted.

MAXIMUM AND MINIMUM LIABILITY AMOUNTS

The maximum liability provided for by statute is \$365,900 and the minimum liability amount is the economic benefit.

The Enforcement Policy requires that the discretionary administrative civil liability must not exceed the maximum liability amount nor be less than the minimum liability amount plus 10%. Since \$93,000 does not exceed the statutory maximum nor is lower than the economic benefit plus 10%, the liability amount should not be adjusted.

FINAL LIABILITY AMOUNT

Based on the foregoing analysis, and consistent with the Enforcement Policy, the proposed administrative civil liability is \$93,000.

Violation	Initial Liability	Culpability	Cleanup and Cooperation	History of Violations	Penalty*
1	\$3,400	1	1	1	\$3,400
2	\$54,160	0.9	1	1	\$48,744
3	\$1,500	0.9	1	1	\$1,350
4	\$6,000	1	1	1	\$6,000
5	\$1,725	1	1	1	\$1,725
6	\$4,500	1	1	1	\$4,500
7	\$1,500	1	1	1	\$1,500
8	\$1,200	1	1	1	\$1,200
9	\$100	1	1	1	\$100

10	\$100	1	1	1	\$100
11	\$100	1	1	1	\$100
12	\$100	1	1	1	\$100
13	\$130	1	1	1	\$130
14	\$16,000	1	1	1	\$16,000
15	\$1,500	1	1	1	\$1,500
16	\$100	1	1	1	\$100
				Total Base Liability	\$86,549
				Staff Cost	\$6,451
				Final Liability Amount**	\$93,000

* Initial Liability x Culpability x Cleanup and Cooperation x History of Violations = Penalty

** Total Base Liability + Staff Cost = Final Liability Amount