

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2009-0576

MANDATORY PENALTY
IN THE MATTER OF

CITY OF GALT
WASTEWATER TREATMENT PLANT
SACRAMENTO COUNTY

This Order is issued to the City of Galt (Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders 97-111 and R5-2004-0001 (NPDES No. CA0081434).

The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for Galt. Treated wastewater is discharged to Laguna Creek, tributary to the Cosumnes River, a water of the United States.
2. On 20 June 1997, the Central Valley Water Board adopted WDRs Order 97-111 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 29 January 2004, the Board adopted WDRs Order R5-2004-0001, which contained new requirements and rescinded WDRs Order 97-111.
3. On 30 December 2004, the Central Valley Water Board and the City of Galt entered into a stipulated agreement to resolve matters raised in a petition before the State Water Resources Control Board, which was approved by the State Water Board in WQO 2005-0003. The stipulation remanded Order R5-2004-0001 and vacated effluent limitations for aluminum, hexavalent chromium, copper, cyanide, lead, silver, ammonia, arsenic, iron, carbon tetrachloride, bromodichloromethane, dibromochloromethane, bis(2-ethylhexyl)phthalate, nitrate, coliform, turbidity, biological oxygen demand, and total suspended solids found in Effluent Limitations B1 of Order R5-2004-0001, as well as the compliance period for any such limitations found in the Provisions of the Order.
4. On 9 October 2008, the Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Order R5-2008-0586 (ACLO) for mandatory minimum penalties for effluent limitation violations of WDRs Orders 97-111 and R5-2004-0001 for the period of 1 January 2000 through 31 December 2007. The Discharger paid a portion of the penalty and satisfied the remainder through completion of a supplemental environmental project. The Central Valley Water Board considers the matter settled for the violations specified in the ACLO.

5. On 29 April 2009, Central Valley Water Board staff sent the Discharger a draft Record of Violations (ROV) for the period of 1 January 2000 through 31 March 2009. The ROV has since been extended through 30 June 2009. The Discharger has reviewed the ROV, and after corrections, concurs with the values listed in Attachment A, a part of this Order and has agreed not to contest this Order. Attachment A lists all of the effluent limitation violations between 1 January 2000 and 30 June 2009. Many of the violations were previously addressed in ACL Order R5-2008-0586 (noted with an "*" after the remarks) and are therefore not part of this Order. All violations shown in bold are part of this Order. The effluent limitations described in Findings No. 8 to No. 11 pertain only to the violations that are subject to this Order.

6. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states,

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

CWC section 13385 (h)(2) states,

For the purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements 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 to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

CWC section 13385(i)(1) states,

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) 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.

7. CWC section 13385(l) allows a discharger to complete a Supplemental Environmental Project (SEP) in lieu of paying the full amount of a mandatory penalty, and states, in relevant part:

(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a “supplemental environmental project” means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.

8. WDRs Order 97-111 Effluent Limitations No. B.1., include, in part, the following: “*Effluent shall not exceed the following limits:*”

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Total Coliform Organisms	MPN/100 mL	--	--	23	230

9. WDRs Order R5-2004-0001, Effluent Limitations B.1. requires, in part: “*Effluent shall not exceed the following limits:*”

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-Day Median</u>	<u>Daily Average</u>	<u>Daily Maximum</u>
Settleable Solids	mL/L	0.1	--	--	--	0.2

10. WDRs Order R5-2004-0001, Effluent Limitations B.2. requires, in part: “*Effective immediately, the following ... TSS...interim effluent limitations shall be in effect...*” [Note: the end date for this limitation was removed by the 30 December 2004 Stipulation.]

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Total Suspended Solids ²	mg/L	30	45	--	60
	lb/day ³	750	1125	--	1500

² To be ascertained by a 24-hour composite.

³ Based upon a design treatment capacity of 3.0 mgd. For reporting purposes, compliance with these limitations shall be determined as follows: measured concentration (in mg/L) * 8.345 (conversion factor) * monthly average flow rate.

11. WDRs Order R5-2004-0001, Effluent Limitations B.3. requires, in part: “The following interim effluent limitations are effective...”

<u>Constituent</u>	<u>Units</u>	<u>Daily Maximum</u>
Copper	µg/L	14
Lead	µg/L	2.3

12. According to the Discharger's self-monitoring reports, the Discharger committed seventy-one (71) additional serious Group I violations of the above effluent limitations contained in Orders 97-111 and R5-2004-0001 during the period beginning 1 January 2000 and ending 30 June 2009. These violations were not previously assessed penalties in ACL Order R5-2008-0586. The additional violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these additional serious violations is **two hundred thirteen thousand dollars (\$213,000)**.
13. According to the Discharger's self-monitoring reports, the Discharger committed one (1) additional serious Group II violation of the above effluent limitations contained in Orders 97-111 and R5-2004-0001 during the period beginning 1 January 2000 and ending 30 June 2009. This violation was not previously assessed a penalty in ACL Order R5-2008-0586. This additional violation is defined as serious because the measured concentration of a Group II constituent exceeded the maximum prescribed level by more than 20 percent on this occasion. The mandatory minimum penalty for this additional serious violation is **three thousand dollars (\$3,000)**.
14. According to the Discharger's self-monitoring reports, the Discharger committed thirty-one (31) additional non-serious violations of the above effluent limitations contained in Orders 97-111 and R5-2004-0001 during the period beginning 1 January 2000 and ending 30 June 2009. These violations were not previously assessed penalties in ACL Order R5-2008-0586. Twenty-eight (28) of the additional non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these additional non-serious violations is **eighty-four thousand dollars (\$84,000)**.
15. The total amount of the mandatory penalties assessed for the cited additional effluent violations is **three hundred thousand dollars (\$300,000)**. A detailed list of the cited additional effluent violations is included in Attachment A, a part of this Order.
16. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Pamela C. Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore Assistant Executive Officer Kenneth D. Landau has the authority to issue this Order.
17. This Order will be resolved as follows: The Discharger will pay \$150,000 to the *State Water Pollution Control Cleanup and Abatement Account* and will timely complete the \$150,000 Supplemental Environmental Project (SEP) described in Attachment B, a part of this Order. The proposed settlement takes into account the factors cited in CWC section 13385(e), as well as the State Water Resources Control Board's *Water Quality Enforcement Policy* and *Policy on Supplemental Environmental Projects*.

18. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, in a newspaper of general circulation in the community, and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.
19. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

IT IS HEREBY ORDERED THAT:

1. The City of Galt shall be assessed an Administrative Civil Liability in the amount of **three hundred thousand dollars (\$300,000)**.
2. The Discharger will remit payment for **one hundred fifty thousand dollars (\$150,000)** of the imposed civil liability by check, which shall contain a reference to "ACL Order R5-2009-0576" and shall be made payable to the "*State Water Pollution Cleanup and Abatement Account*." This payment must be received by the Central Valley Water Board **by 4 January 2010**.
3. Of the \$300,000 assessed penalty, \$150,000 shall be suspended, pursuant to CWC section 13385(l), pending completion of a Supplemental Environmental Project (SEP). The SEP chosen by the Discharger is titled "*Twin Cities Habitat Restoration Project*." A summary of the SEP Project Description, which includes a list of deliverables that will be submitted to the Central Valley Water Board throughout the project, can be found as Attachment B, a part of this Order. **By 4 January 2010**, the Discharger shall place the \$150,000 into an account specifically established to fund this SEP. Each task listed in Attachment B is assigned an estimated monetary value; however, if excess funds are present in one task then they may be used as needed in subsequent tasks.
4. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is satisfactorily completed. In addition, the Discharger is responsible for submitting all technical reports and quarterly progress reports by the due dates listed in Attachment B. The quarterly progress reports and the Final Report shall also be submitted to the State Water Resources Control Board, Division of Finance.
5. If the final cost of the successfully completed SEP is less than the suspended amount of \$150,000, the Discharger must remit the difference to the *State Water Pollution Cleanup and Abatement Account* by **30 April 2013**, or within 30 days of project completion, whichever comes first.
6. As required by the State Water Board's *Policy on Supplemental Environmental Projects*, the Discharger shall reimburse the Central Valley Water Board for the full cost of staff

oversight of the SEP. Staff oversight costs are not part of the direct cost of the SEP. By **4 January 2010**, the Discharger shall provide documentation stating that it agrees to pay staff oversight costs, and the name and address to be used for billing purposes.

7. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds publicize any element of a SEP project, it shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action against the Discharger.
8. The Assistant Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines and makes the extension request in advance of the expiration of the deadline. The Discharger shall make any deadline extension request in writing. Any request for an extension not responded to in writing by the Board shall be deemed denied. The Discharger must obtain explicit approval from the Assistant Executive Officer for any significant departures from the project described in Attachment B. Failure to obtain written approval for any significant departures will result in the assessment of the actual cost difference between the portion of the project completed in conformity with the SEP described in Attachment B and the total amount of the suspended penalty.
9. If the Assistant Executive Officer determines that any of the tasks listed above are not satisfactorily completed by their respective due date (including any extensions approved by the Assistant Executive Officer), the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the SEP that has not been satisfactorily completed. Payment shall be made via check made payable to the *State Water Pollution Cleanup and Abatement Account*, and shall be due within 30 days of the demand. The check shall have written upon it the number of this ACL Order.
10. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
11. This Order is final upon signature.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, state holiday or furlough day, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original signed by

KENNETH D. LANDAU, Assistant Executive Officer

3 December 2009

DATE

Attachment A: Record of Violations
Attachment B: Supplemental Environmental Project
BLH/WSW: 2 Dec 09

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0576**

City Of Galt

Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2000 – 30 June 2009) MANDATORY PENALTIES

(Data reported under Monitoring and Reporting Program Nos. 97-111 and R5-2004-0001)

(Violations shown in **bold** are subject to Mandatory Minimum Penalties in ACL Order R5-2009-0576)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
1	17-Apr-00	Coliform	MPN/100mL	230	900	Daily	3*	174696
2	7-Dec-00	pH	pH units	6.5	6.3	Instant.	3*	188278
3	11-Jan-01	Coliform	MPN/100mL	230	300	Daily	3*	188283
4	5-Dec-01	pH	pH units	6.5	6.2	Instant.	3*	220954
5	17-Dec-01	Coliform	MPN/100mL	230	2400	Daily	3*	220953
6	23-Jan-02	pH	pH units	6.5	5.9	Instant.	3*	203544
7	6-Mar-02	pH	pH units	8.5	8.8	Instant.	4*	204445
8	14-Mar-02	pH	pH units	8.5	8.8	Instant.	4*	204446
9	20-Mar-02	pH	pH units	8.5	8.6	Instant.	4*	204447
10	17-Apr-02	pH	pH units	8.5	8.6	Instant.	4*	207705
11	13-Jan-03	Chlorine	mg/L	0.02	0.14	Daily	2*	232675
12	30-Jan-03	Coliform	MPN/100mL	230	500	Daily	3*	224580
13	13-Mar-03	Coliform	MPN/100mL	230	2400	Daily	3*	229577
14	24-Mar-03	pH	pH units	6.5	6.4	Instant.	4*	229579
15	2-Apr-03	Coliform	MPN/100mL	230	500	Daily	4*	227509
16	7-Apr-03	Chlorine	mg/L	0.02	0.04	Daily	2*	227505
17	9-Apr-03	Chlorine	mg/L	0.02	0.03	Daily	2*	227506
18	14-Apr-03	Chlorine	mg/L	0.02	0.03	Daily	2*	227507
19	2-Nov-04	pH	pH units	8.5	9.9	Instant.	3*	259856
20	9-Nov-04	pH	pH units	8.5	8.8	Instant.	3*	259857
21	16-Nov-04	pH	pH units	8.5	9.2	Instant.	3*	259858
			MPN/100m					
22	6-Jan-05	Coliform	L	230	240	Daily	4	267071
23	18-Jan-05	TSS	mg/L	45	93	Weekly	1	267075
24	18-Jan-05	TSS	mg/L	60	93	Daily	1	267074
25	18-Jan-05	TSS	lbs/day	1500	1529	Daily	4	468333
26	18-Jan-05	TSS	lbs/day	1125	1529	Weekly	4	468334
27	18-Jan-05	Sett. Sol.	mL/L	0.2	0.5	Daily	1*	267072
28	25-Jan-05	TSS	mg/L	45	51	Weekly	4	267076
29	31-Jan-05	TSS	% removal	85	82	Monthly	4	267077
30	31-Jan-05	Sett. Sol.	mL/L	0.1	0.23	Monthly	1*	267073
31	15-Nov-05	TSS	lbs/day	1500	4706	Daily	1	468343
			MPN/100m					
32	15-Nov-05	Coliform	L	230	300	Daily	3	468344
33	19-Nov-05	TSS	mg/L	45	297	Weekly	1	468345
34	19-Nov-05	TSS	lbs/day	1125	4706	Weekly	1	468346
35	28-Nov-05	Chlorine	mg/L	0.02	1	1-Hour avg	2*	468347
36	28-Nov-05	Chlorine	lbs/day	0.5	17	1-Hour avg	2*	468348
37	30-Nov-05	TSS	mg/L	30	77	Monthly	1	468349
38	30-Nov-05	TSS	lbs/day	750	1244	Monthly	1	468350
39	27-Dec-05	TSS	mg/L	45	48	Weekly	4	468351
40	31-Dec-05	TSS	mg/L	30	34	Monthly	4	468352
41	3-Jan-06	TSS	mg/L	45	86	Weekly	1	468353
42	3-Jan-06	TSS	lbs/day	1125	1602	Weekly	1	468354
43	3-Jan-06	TSS	mg/L	60	86	Daily	1	468355

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0576
 MANDATORY PENALTY
 CITY OF GALT
 WASTEWATER TREATMENT PLANT
 SACRAMENTO COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
44	3-Jan-06	TSS	lbs/day MPN/100m	1500	1602	Daily	4	468356
45	9-Feb-06	Coliform	L	230	2400	Daily	4	468357
46	14-Mar-06	TSS	mg/L	60	119	Daily	1	468358
47	14-Mar-06	TSS	lbs/day	1500	1956	Daily	4	468359
48	14-Mar-06	TSS	mg/L	45	119	Weekly	1	468360
49	14-Mar-06	TSS	lbs/day	1125	1956	Weekly	1	468361
50	31-Mar-06	TSS	mg/L	30	55	Monthly	1	468362
51	31-Mar-06	TSS	lbs/day	750	958	Monthly	4	468363
52	11-Apr-06	TSS	mg/L	60	72	Daily	4	468365
53	12-Dec-06	Sett. Sol.	mL/L	0.2	0.3	Daily	1*	781060
54	26-Dec-06	Sett. Sol.	mL/L	0.2	0.4	Daily	1*	781116
55	30-Dec-06	Sett. Sol.	mL/L	0.1	0.9	Monthly	1*	781124
56	4-Dec-07	TSS	mg/L	60	93	Daily	1*	781159
57	4-Dec-07	TSS	mg/L	45	93	Weekly	1*	781162
58	4-Dec-07	TSS	lbs/day	1500	1552	Daily	3*	781165
59	4-Dec-07	TSS	lbs/day	1125	1785	Weekly	4*	781172
60	11-Dec-07	TSS	mg/L	60	81	Daily	4*	781177
61	11-Dec-07	TSS	mg/L	45	81	Weekly	1*	781181
62	11-Dec-07	TSS	lbs/day	1125	1555	Weekly	4*	781183
63	18-Dec-07	Sett. Sol.	mL/L	0.2	0.8	Daily	1*	781193
64	18-Dec-07	TSS	mg/L	60	590	Daily	1*	781185
65	18-Dec-07	TSS	mg/L	45	590	Weekly	1*	781187
66	18-Dec-07	TSS	lbs/day	1500	12309	Daily	1*	781190
67	18-Dec-07	TSS	lbs/day	1125	11324	Weekly	1*	781191
68	26-Dec-07	Sett. Sol.	mL/L	0.2	0.7	Daily	1*	781215
69	26-Dec-07	TSS	mg/L	60	410	Daily	1*	781199
70	26-Dec-07	TSS	mg/L	45	410	Weekly	1*	781204
71	26-Dec-07	TSS	lbs/day	1500	6843	Daily	1*	781209
72	26-Dec-07	TSS	lbs/day	1125	7527	Weekly	1*	781210
73	31-Dec-07	Sett. Sol.	mL/L	0.1	0.4	Monthly	1*	781233
74	31-Dec-07	TSS	mg/L	30	294	Monthly	1*	781220
75	31-Dec-07	TSS	lbs/day	750	5643	Monthly	1*	781224
76	3-Jan-08	Lead	µg/L	2.3	2.5	Daily	4	782443
77	3-Jan-08	TSS	mg/L	60	140	Daily	1	781238
78	3-Jan-08	TSS	lbs/day	1500	3010	Daily	1	782435
79	3-Jan-08	TSS	mg/L	45	140	Weekly	1	782431
80	3-Jan-08	TSS	lbs/day	1125	3010	Weekly	1	782441
81	8-Jan-08	Sett. Sol.	mL/L	0.2	1.5	Daily	1	782455
82	8-Jan-08	TSS	mg/L	60	440	Daily	1	782446
83	8-Jan-08	TSS	lbs/day	1500	8860	Daily	1	782449
84	8-Jan-08	TSS	mg/L	45	440	Weekly	1	782447
85	8-Jan-08	TSS	lbs/day	1125	8860	Weekly	1	782451
86	15-Jan-08	Sett. Sol.	mL/L	0.2	1.4	Daily	1	782466
87	15-Jan-08	TSS	mg/L	60	370	Daily	1	782456

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0576
 MANDATORY PENALTY
 CITY OF GALT
 WASTEWATER TREATMENT PLANT
 SACRAMENTO COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
88	15-Jan-08	TSS	lbs/day	1500	6900	Daily	1	782459
89	15-Jan-08	TSS	mg/L	45	370	Weekly	1	782457
90	15-Jan-08	TSS	lbs/day	1125	6900	Weekly	1	782460
91	22-Jan-08	TSS	mg/L	60	250	Daily	1	782474
92	22-Jan-08	TSS	lbs/day	1500	5700	Daily	1	782481
93	22-Jan-08	TSS	mg/L	45	250	Weekly	1	782477
94	22-Jan-08	TSS	lbs/day	1125	5700	Weekly	1	782482
95	30-Jan-08	Sett. Sol.	mL/L	0.1	0.7	Monthly	1	782528
96	30-Jan-08	TSS	mg/L	30	237	Monthly	1	782484
97	30-Jan-08	TSS	lbs/day	750	4920	Monthly	1	782522
98	19-Feb-08	Coliform	MPN/100ml	230	300	Daily	4	782577
99	19-Feb-08	TSS	mg/L	60	170	Daily	1	782536
100	19-Feb-08	TSS	lbs/day	1500	3160	Daily	1	782540
101	19-Feb-08	TSS	mg/L	45	170	Weekly	1	782538
102	19-Feb-08	TSS	lbs/day	1125	3160	Weekly	1	782574
103	29-Feb-08	TSS	mg/L	30	50	Monthly	1	782582
104	29-Feb-08	TSS	lbs/day	750	930	Monthly	4	782584
105	1-Apr-08	TSS	mg/L	60	140	Daily	1	782587
106	1-Apr-08	TSS	lbs/day	1500	2603	Daily	1	804954
107	1-Apr-08	TSS	mg/L	45	140	Weekly	1	782593
108	1-Apr-08	TSS	lbs/day	1125	2603	Weekly	1	804951
109	1-Apr-08	TSS	mg/L	30	36	Monthly	4	804950
110	4-Dec-08	Copper	µg/L	14	22	Daily	2	804956
111	4-Dec-08	Copper	lbs/day	0.35	0.38	Daily	3	804957
112	31-Dec-08	TSS	mg/l	30	38	Monthly	3	804955
113	6-Jan-09	Coliform	MPN/100ml	230	900	Daily	4	813962
114	27-Jan-09	TSS	mg/l	60	360	Daily	1	813963
115	27-Jan-09	TSS	lbs/day	1500	6509	Daily	1	813964
116	31-Jan-09	TSS	mg/L	45	360	Weekly	1	813965
117	31-Jan-09	TSS	lbs/day	1125	6509	Weekly	1	813967

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0576
 MANDATORY PENALTY
 CITY OF GALT
 WASTEWATER TREATMENT PLANT
 SACRAMENTO COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
11								
8	31-Jan-09	TSS	mg/L	30	111	Monthly	1	813966
11								
9	31-Jan-09	TSS	lbs/day	750	2010	Monthly	1	813968
12								
0	17-Feb-09	TSS	mg/L	60	78	Daily	4	813969
12								
1	17-Feb-09	TSS	lbs/day	1500	2078	Daily	4	813970
12								
2	21-Feb-09	TSS	mg/L	45	78	Weekly	1	813972
12								
3	21-Feb-09	TSS	lbs/day	1125	2078	Weekly	1	813973
12								
4	28-Feb-09	TSS	mg/L	30	46	Monthly	1	813974
12								
5	28-Feb-09	TSS	lbs/day	750	1011	Monthly	4	813975
12								
6	3-Mar-09	TSS	mg/L	60	96	Daily	1	821431
12								
7	3-Mar-09	TSS	lbs/day	1500	2026	Daily	4	821432
12								
8	7-Mar-09	TSS	mg/L	45	96	Weekly	1	821433
12								
9	7-Mar-09	TSS	lbs/day	1125	1875	Weekly	1	821434
13								
0	24-Mar-09	TSS	mg/l	60	86	Daily	1	821435
13								
1	24-Mar-09	TSS	lbs/day	1500	1980	Daily	4	821436
13								
2	28-Mar-09	TSS	mg/L	45	86	Weekly	1	821437
13								
3	28-Mar-09	TSS	lbs/day	1125	1944	Weekly	1	821438
13								
4	31-Mar-09	TSS	mg/L	60	140	Daily	1	821439
13								
5	31-Mar-09	TSS	lbs/day	1500	3220	Daily	1	821440
13								
6	31-Mar-09	TSS	mg/L	45	140	Weekly	1	821441
13								
7	31-Mar-09	TSS	lbs/day	1125	3220	Weekly	1	821442
13								
8	31-Mar-09	TSS	mg/L	30	79	Monthly	1	821443
13								
9	31-Mar-09	TSS	lbs/day	750	1654	Monthly	1	821444
14								
0	7-Apr-09	TSS	mg/L	60	210	Daily	1	822013
14								
1	7-Apr-09	TSS	lbs/day	1500	1541	Daily	4	822014
14	11-Apr-09	TSS	mg/L	45	210	Weekly	1	822015

ATTACHMENT A
 ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0576
 MANDATORY PENALTY
 CITY OF GALT
 WASTEWATER TREATMENT PLANT
 SACRAMENTO COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
2								
14								
3	11-Apr-09	TSS	lbs/day	1125	1541	Weekly	4	822016
14								
4	18-Apr-09	TSS	mg/L	45	55	Weekly	4	822017
14								
5	18-Apr-09	TSS	lbs/day	1125	1244	Weekly	4	822018
14								
6	21-Apr-09	TSS	mg/L	60	82	Daily	4	822019
14								
7	21-Apr-09	TSS	lbs/day	1500	1799	Daily	4	822020
14								
8	25-Apr-09	TSS	mg/L	45	82	Weekly	1	822021
14								
9	25-Apr-09	TSS	lbs/day	1125	1799	Weekly	1	822022
15								
0	30-Apr-09	TSS	mg/L	30	166	Monthly	1	822023
15								
1	30-Apr-09	TSS	lbs/day	750	1528	Monthly	1	822024

* Violation was addressed in ACLO R5-2008-0586. The violation is not a part of this ACLO.

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

For the violations shown in bold (i.e., subject to this Order):

<u>VIOLATIONS AS OF:</u>	<u>6/30/2009</u>
Group I Serious Violations:	71
Group II Serious Violations:	1
Non-Serious Exempt from MPs:	3
Non-serious Violations Subject to MPs:	28
<u>Total Violations Subject to MPs:</u>	<u>100</u>

Mandatory Minimum Penalty = (72 Serious Violations + 28 Non-Serious Violations) x \$3,000 = \$300,000

Attachment B
Administrative Civil Liability Order No. R5-2009-0576

Proposed SEP Project Description

Project Title: Twin Cities Habitat Restoration Project

Geographic area of interest: Cosumnes River Preserve

Name of responsible entity: City of Galt (Discharger), supported by the U.S. Bureau of Land Management (BLM) for the Cosumnes River Preserve

Estimated cost for project completion: Up to \$175,000 for this portion of the project, of which \$150,000 will be contributed by the Discharger.

Contact information:

Greg L Halladay, P.E.
Director of Public Works
City of Galt
495 Industrial Drive
Galt, CA 95632
(209) 366-7260

Harry McQuillen
Preserve Manager
Cosumnes River Preserve
13501 Franklin Blvd.
Galt, CA 95632
(916) 683-1701 or (916) 838-8475

Brief description of the project:

The purpose of the Twin Cities Habitat Restoration Project is to complete restoration activities on 145 acres of former farmland. The BLM, with contributions from Ducks Unlimited and other organizations, has already spent over \$200,000 to design the wetlands and upland areas, construct the wetlands, contour the uplands, and install most of the water control structures. This last part of the project involves planting native grassland on the 40 acres of uplands surrounding the 105 acres of seasonal and permanent wetlands. This restoration effort has the potential to benefit threatened species such as the state-listed greater sandhill crane, the state and federally listed giant garter snake, and Swainson's hawk. This native plant restoration effort also has a high potential for the creation of foraging and nesting habitat for waterfowl.

Water body, beneficial use and/or pollutant addressed by this project:

The SEP will take place in the Cosumnes River watershed, near the Galt wastewater treatment plant. The actual project location is south of Twin Cities Road, directly west of I-5. The SEP will benefit water quality by restoring native grassland, thereby benefiting sensitive, threatened and endangered species, as well as migratory waterfowl. The site will be planted with native grasses and shrubs to provide areas suitable for basking, summer shelter, winter habitat, as well as foraging and nesting habitat. Planting of native grasses will stabilize the soil around the wetlands. In addition, planting native shrubs along the freeway will prevent trash from blowing into the wetlands and waterways. The grasslands will filter stormwater containing petroleum products and other pollutants from the freeway and surrounding agricultural lands, thus improving water quality.

Project schedule, budget, and deliverables:

The Discharger will be responsible for submitting all the deliverables described below.

1. Formal Agreement and Planning Documents. The Discharger will submit a signed, formal agreement with the Cosumnes River Preserve, which will include an expanded scope of work for the Twin Cities Habitat Restoration Project. The documents shall describe how funds will be used to replace at least 1,900 feet of irrigation pipeline, conduct site preparation, acquire appropriate native grass seed mix and plants, and plant and maintain the native grasses. The Discharger will also submit information showing that the Cosumnes River Preserve has complied with all necessary requirements of the California Environmental Quality Act (CEQA), as it relates to this SEP. The agreement will document that the Cosumnes River Preserve will complete the project as described herein, that any SEP funds received from the Discharger will be spent in accordance with the terms of the ACL Order, and that the Cosumnes River Preserve agrees to an audit of its SEP expenditures, if requested by the Water Board.

Estimated Cost: not applicable

Deliverable: Written documents containing the above information.

Due date: 30 January 2010

2. Pre-Project Weed Abatement. The BLM will use its own funds to treat weeds to minimize competition and ensure success of the planting. It is anticipated that weed treatments (mowing, disking, and/or chemical) will begin in November 2009 and will continue as needed through March 2010. Spot weed treatments will take place from April through October 2010.

Estimated Cost: not applicable – contribution from BLM

Deadline for work: October 2010

Deliverable: Documentation of this task shall be included in the quarterly reports.

3. Irrigation Pipeline Replacement. This task is the replacement of 1,900 feet of pipeline by a contractor. The existing irrigation pipeline is a degraded and broken concrete pipe system that no longer functions properly. The number and size of the breaches in the pipe are impossible to predict and usually impossible to detect until they have eroded away the overlying soil. The system will be used to irrigate the managed wetland ponds as well as the shrubs that are being planted in Task 4. This task includes buying the pipe, installing the pipe, and BLM oversight costs.

Estimated Cost: \$45,000

Deadline for work: 30 June 2010.

Deliverable: Documentation of this task, and invoices, shall be included in the 2nd quarter 2010 report, due by 10 July 2010.

4. Site Preparation and Planting: To prepare the site for planting, gravel will be hauled in to create a road, the land will be disked, and chemicals will be sprayed as necessary following the first rain. The planting task includes oversight by the BLM Wildlife Biologist, obtaining native seeds and shrubs, and planting by a contracted restoration company.

Estimated Cost: \$45,000

Deadline for work: 30 December 2010.

Deliverables: The contract with the restoration company shall be included with the 3rd quarter 2010 report, due by 10 October 2010. Documentation of the planting activities, and task invoices, shall be included in the 4th quarter 2010 report, due by 10 January 2011.

5. Maintenance and Monitoring. The monitoring and maintenance of the newly planted native grasses and forbs will continue for at least ten years following planting. This SEP is intended to initiate this process by providing resources for the initial two years of maintenance and monitoring. Maintenance activities may include mowing, spraying or hand pulling of weeds, or other activities as necessary to ensure the survival of the native plants. Activities will be conducted according to the Preserve's annual wetlands management plan, the March 2008 final management plan, and the Preserve's monitoring plan (currently in preparation). This task may include BLM oversight costs.

Estimated Cost: \$60,000

Deadline for work: Work will continue from January 2011 through January 2013.

Deliverable: Documentation of this task, and invoices, shall be included each quarterly report.

6. Final Report. The Discharger will submit a final report which will include a summary of all completed tasks, an analysis of the success of the project in terms of habitat restoration and water quality benefits, and a post-project accounting of all expenditures. The accounting must clearly show whether the final cost of the successfully completed SEP is less than, equal to, or more than the suspended liability of \$150,000. This report serves as the last report required under this SEP, and the following statement must be included above the signature line of the report: "*I certify under penalty of perjury that the foregoing is true and correct.*" The Final Report may be combined with the 1st quarter 2013 report.
Due date: 10 April 2013.
7. Quarterly Progress Reports. Beginning with the 4th quarter 2009, quarterly progress reports shall be submitted by the **tenth day of the month following the end of each quarter** (i.e., the 4th quarter 2009 progress report will be submitted by 10 January 2010, and will cover the period from 1 October through 31 December 2009). Each progress report will describe the work completed during the quarter.