

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

In the Matter of:

Mariposa Public Utility District

**Mariposa Public Utility District;
Wastewater Treatment Plant**

ORDER R5-2016-0509

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

INTRODUCTION

1. 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 California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the Mariposa Public Utility District (Discharger or District) (collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Government Code section 11415.60.

RECITALS

2. On 30 December 2013, the Assistant Executive Officer issued the Discharger Administrative Civil Liability Complaint R5-2013-0590 (Complaint) for effluent limitation violations that occurred at the Mariposa Wastewater Treatment Facility (WWTF) from 1 February 2008 to 30 July 2013. The Complaint was issued for \$87,000 in mandatory minimum penalties (MMPs). The Discharger owns and operates the WWTF. The Complaint alleged that the District violated provisions of its National Pollutant Discharge Elimination System (NPDES) Permit, Central Valley Water Board Order No. R5-2007-0171.
3. The Discharger waived the 90-day hearing requirement in order to engage in settlement negotiations, and requested that the Board consider whether it would allow the Discharger to spend an equivalent amount towards the

completion of a compliance project as authorized by Water Code section 13385, subdivision (k).

4. Since the 30 December 2013 Complaint, the District has self-reported an additional two (2) effluent limit exceedances for copper during the period beginning 1 March 2013 and ending 28 February 2015. The Central Valley Water Board Prosecution Team confirmed these exceedances are, in fact, violations of the effluent limits established in Order No. R5-2007-0171 for which MMPs must be assessed. These effluent limit exceedances for copper are defined as serious because the measured concentration of a Group II constituent exceeded the maximum prescribed levels by more than 20 percent on these occasions.
5. The Parties have agreed to settle the the alleged violation in the Complaint and the additional violations described above in Paragraph 4 without an administrative hearing or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement pursuant to Government Code section 11415.60. The settlement of an administrative civil liability complaint may include violations that occur after a complaint is issued so long as the settlement makes clear that the proposed administrative civil liability in the settlement extends to a date beyond that which was originally included in the complaint.¹ To resolve the alleged violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of \$93,000 in MMPs against the District. In lieu of assessing all of the MMPs, the Parties agree to allow the Discharger to spend an equivalent amount towards the successful completion of a Compliance Project pursuant to Water Code section 13385, subdivision (k).
6. The Central Valley 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.

¹ California Sportfishing Protection Alliance v. City of West Sacramento (E.D. Ca. 1995) 905 F.Supp. 792, 806.

STIPULATIONS

The Parties stipulate to the following:

7. **Administrative Civil Liability:** The Discharger agrees that its administrative civil liability totals NINETY THREE THOUSAND (\$93,000) in mandatory minimum penalties as outlined by the alleged violations in the Complaint and in Paragraph 4 above. In lieu of assessing all of the mandatory minimum penalties, the Discharger agrees to spend an equivalent amount towards the completion of the Compliant Project pursuant to Water Code section 13385, subdivision (k) as set forth herein in Exhibit C (“Suspended Liability”).
8. **Compliance Project:** The District agrees to spend funds towards the completion of a Compliance Project to eliminate future violations for dichlorobromomethane, chlorine, and total copper. In a letter to the Central Valley Water Board dated 19 May 2015, the District indicates it will come into compliance with current effluent limitations by upgrading to tertiary treatment with the addition of a new anoxic/flow equalization basin, tertiary filtration, and ultraviolet light (UV) disinfection. Detailed plans concerning how the project will be implemented, as well as an implementation schedule, milestone dates, and budget are provided in the Compliance Project Description included herein as Exhibit C. The proposed upgrades have a total estimated cost of \$9,600,000. To date, the District reported a total of \$156,534 has been expended on the Facility Upgrade Plan and CEQA compliance for a Mitigated Negative Declaration. The Compliance Project is consistent with the project proposed to satisfy the requirements of Time Schedule Order No. R5-2015-0041, including the full compliance deadline of 18 May 2020. The total amount that the District will expend on the Compliance Project exceeds the mandatory minimum penalty that the Board is required to assess under Water Code sections 13385 subdivisions (h) and (i) for the violations identified in Exhibit A, Record of Violations.

8.1. **Compliance Project Definitions:**

- a. “Designated Central Valley Water Board Representative” – the representative from the Central Valley Water Board responsible for oversight of the Compliance Project. That individual is:

Warren Gross
Senior Engineering Geologist
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, California 93706
Telephone: (559) 445-5128
Email: Warren.Gross@waterboards.ca.gov

- b. “Compliance Project Completion Date” – The date by which the Compliance Project will be completed in its entirety, including submittal of certification of completion.

8.2 **The Compliance Project Completion Date:** The completion date for the Compliance Project, 18 May 2020, coincides with the final date for full compliance in Time Schedule Order (TSO) No. R5-2015-0041, attached as Exhibit D.

8.3. **Agreement to Fund, Report and Guarantee Implementation of Compliance Projects:** The District represents that: (1) it will spend an amount of money on the Compliance Project that is equal to or greater than the amount of the penalty that is suspended.² Pursuant to the State Water Resources Control Board’s (State Water Board) Water Quality Enforcement Policy, the District understands that grant funds may not be used to offset the amount of the penalty, but may be used only for the portion of the cost of the Compliance Project that exceeds the amount of the penalty; (2) it will provide certifications and written reports to the Designated Central Valley Water Board Representative consistent with the terms of this Stipulated Order detailing the implementation of the Compliance Project; and (3) it will guarantee implementation of the Compliance Project by remaining liable for the Suspended Liability until the entire Compliance Project is completed and accepted by the Central Valley Water Board, or its delegee, in accordance with the terms of this Stipulated Order. The District agrees that the Central Valley Water Board has the right to

² The District may spend funds it receives as a loan, including funds from the State Water Board’s Clean Water State Revolving Fund, to offset the amount of the penalty. As specified in further detail, grant funds may not be utilized in this manner.

require an audit of the funds expended by it to implement the Compliance Project, in accordance with Paragraph 8.6., below.

- 8.4. **Compliance Project Progress Reports:** The District shall provide semi-annual progress reports on the Compliance Project (consistent with the reporting requirements of the TSO) to the Designated Central Valley Water Board Representative, commencing 1 June 2016 and continuing through submittal of the Certification of Completion described below in Paragraph 8.5.

- 8.5. **Final Report and Certification of Completion of Compliance Project:** On or before the applicable Compliance Project Completion Date, the District shall submit the Final Report and a certified statement of completion of the Compliance Project (“Certification of Completion”). The Certification of Completion shall be submitted, under penalty of perjury, to the Designated Central Valley Water Board Representative by a responsible official representing the District. The Certification of Completion, in conjunction with the Final Report, shall include 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 Central Valley Water Board to evaluate the completion of the Compliance Project and the costs incurred by the District.

 - b. Certification documenting the expenditures of the Compliance Project Amount by the District during the implementation period for the Compliance Project. The District’s expenditures may include external payments to outside vendors or contractors performing the Compliance Project. In making such certification, the District may rely upon normal project tracking systems that capture employee time expenditures and external payments to outside vendors such as environmental and information technology contractors or consultants. The certification need not address any costs incurred by the Central Valley Water Board for oversight. The District shall provide any

additional information requested by the Central Valley Water Board staff which is reasonably necessary to verify Compliance Project expenditures.

- c. Certification, under penalty of perjury, that the District 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. To ensure compliance with CEQA where necessary, the District shall provide the Central Valley Water Board with the following documents from the lead agency prior to commencing Compliance Project construction:
 - i. Categorical or statutory exemptions relied upon;
 - ii. Negative Declaration if there are no potentially “significant” impacts;
 - iii. Mitigated Negative Declaration if there are potentially “significant” impacts but revisions to the project have been made or may be made to avoid or mitigate those potentially significant impacts; or
 - iv. Environmental Impact Report.

8.6. **Third Party Financial Audit:** In addition to the Certification of Completion and at the written request of the Central Valley Water Board Executive Officer, the District, at its sole cost, shall submit a report prepared by an independent third party acceptable to the Central Valley Water Board Executive Officer providing such party’s professional opinion that the District has expended money in the amounts claimed. The audit report shall be provided to the Designated Central Valley Water Board Representative within three (3) months of notice from the Central Valley Water Board Executive Officer to the District of the need for an independent third party financial audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.

- 8.7. **Central Valley Water Board Acceptance of Completed Compliance Projects:** Upon the District's satisfaction of its Compliance Project obligations under this Stipulated Order and completion of the Compliance Projects and any audit requested by the Central Valley Water Board Executive Officer, the Designated Central Valley Water Board Representative shall send the District a letter recognizing satisfactory completion of its obligations under the Compliance Projects. This letter shall terminate any further Compliance Project obligations of the District and result in the permanent stay of the Suspended Liability.
- 8.8. **Failure to Expend all Suspended Administrative Civil Liability Funds on the Compliance Project:** In the event that the District is not able to demonstrate to the reasonable satisfaction of the Central Valley Water Board Executive Officer that the entire Suspended Liability has been spent to complete Compliance Project, the District shall pay the difference between the Suspended Liability and the amount the District can demonstrate was actually spent to complete the Compliance Project, as an administrative civil liability. The District shall pay the administrative liability differential within 30 days of its receipt of notice of the Central Valley Water Board Executive Officer's determination that the District has failed to demonstrate that the entire Suspended Liability has been spent to complete the Compliance Project components. In the event that payment is due pursuant to this Paragraph, the District shall send the original signed check to the State Water Resources Control Board Accounting Office, Attn: Compliance Project Differential, P.O. Box 1888, Sacramento, CA 95812-1888. Copies of the check shall be sent to Mayumi Okamoto, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812 and Warren Gross, Senior, Compliance and Enforcement Section, Regional Water Quality Control Board, Central Valley Region, 1685 E Street, Fresno, California 93706.
- 8.9. **Failure to Complete the Compliance Project:** If the District fails to complete the Compliance Project by 18 May 2020 or fails to comply with final effluent limitations by that date, the Central Valley Water

Board Assistant Executive Officer shall issue a Notice of Violation. As a consequence, the District shall be liable for the entire Suspended Liability. The amount of the Suspended Liability owed shall be determined by agreement of the Parties or, if the Parties cannot reach agreement, via a “Motion for Payment of Suspended Liability” before the Central Valley Water Board, or its delegee. Upon a determination by the Central Valley Water Board, or its delegee, of the amount of the Suspended Liability assessed, the amount shall be paid to the State Water Board Cleanup and Abatement Account within thirty (30) days after the service of the Central Valley Water Board’s determination. In addition, The District shall be liable for the Central Valley Water Board’s reasonable costs of enforcement, including but not limited to reasonable legal costs and reasonable expert witness fees. Unless otherwise agreed or determined by a Motion for Payment of Suspended Liability, the District shall not be entitled to any credit, offset, or reimbursement from the Central Valley Water Board for expenditures made on the Compliance Project prior to the date of receipt of the Notice of Violation. Payment of the assessed amount will satisfy the District’s obligations to implement the Compliance Project. In the event that payment is due pursuant to this Paragraph, the District shall send the original signed check to the State Water Resources Control Board Accounting Office, Attn: ACL Payment/Compliance Project Failure, P.O. Box 1888, Sacramento, CA 95812-1888. Copies of the check shall be sent to Mayumi Okamoto, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812 and Warren Gross, Senior, Compliance and Enforcement Section, Regional Water Quality Control Board, Central Valley Region, 1685 E Street, Fresno, California 93706.

9. **Compliance with Applicable Laws:** The District 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 in the Complaint may subject it to further enforcement, including additional administrative civil liability.

10. **Party Contacts for Communications related to Stipulated Order:**

For the Central Valley Water Board:

Warren Gross
Senior Engineering Geologist
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, California 93706
Telephone: (559) 445-5128
Email: Warren.Gross@waterboards.ca.gov

For The District:

Mark Rowney, Superintendent
Mariposa Public Utility District
PO Box 494
Mariposa, California 95338
mpud@sti.net
(209) 966-2515

11. **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.

12. **Matters Addressed by Stipulation:** Upon adoption by the Central Valley Water Board, or its delegee, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations or causes of action alleged in the Complaint and in this Stipulated Order ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on the District's successful completion of the Compliance Project described in Exhibit C.

13. **Public Notice:** The District understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Prosecution Team may unilaterally declare this Stipulated

- Order void and decide not to present it to the Central Valley Water Board, or its delegee. The District agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
14. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Central Valley Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, will be adequate. 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 necessary or advisable under the circumstances.
 15. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or of the Central Valley 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 Team or of the Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.
 16. **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.
 17. **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.
 18. **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 Central Valley Water Board or its delegee.
 19. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board,

or its delegee, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

- 20.1 Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Central Valley 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
 - 20.2 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.
21. **Evidence of History of Violation:** The District agrees that in the event of any future enforcement actions by the Central Valley Water Board, the Order may be used as evidence of a prior enforcement action consistent with Water Code sections 13327 and 13385.
 22. **Waiver of Hearing:** The District has been informed of the rights provided by Water Code section 13323(b), and hereby waives its right to a hearing before the Central Valley Water Board prior to the adoption of the Stipulated Order.
 23. **Waiver of Right to Petition:** The District hereby waives its right to petition the Central Valley Water Board's adoption of the Stipulated Order as written 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.

24. **Covenant Not to Sue:** The District 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.
25. **Central Valley Water Board is Not Liable:** Neither the Central Valley Water Board members nor the Central Valley 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 District, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Central Valley Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the District, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
26. **The District is Not Liable:** Neither the District, its directors, officers, employees, agents, representatives or contractors shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Central Valley Water Board members, or the Central Valley Water Board staff, attorneys, or representatives in carrying out activities pursuant to this Stipulated Order, nor shall the District, its directors, officers, employees, agents, representatives or contractors be held as parties to or guarantors of any contract entered into by the Central Valley Water Board, its members or staff the District, in carrying out activities pursuant to this Stipulated Order.
27. **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.
28. **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.
29. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.

30. **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.
31. **Incorporation of Exhibits:** Exhibits A, B, C and D are hereby incorporated by reference.

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: Clay Rodgers
Clay Rodgers
Assistant Executive Officer

Date: 3/18/16

Mariposa Public Utility District

By: Mark Rowney
Mark Rowney
Superintendent

Date: March 10, 2016

Order of the Central Valley Water Board

32. The Central Valley Water Board incorporates Paragraphs 1 through 31 by this reference.
33. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Order of the Central Valley Water Board.

34. The Parties believe that settlement of this matter is in the best interest of the People of the State. Therefore, to settle the Complaint, the District hereby agrees to comply with the terms and conditions of this Order.
35. This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
36. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of CEQA in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations as an enforcement action by a regulatory agency and there are no exceptions that would preclude the use of this exemption. Furthermore, on 29 October 2014, the District submitted a draft mitigated negative declaration for the Compliance Project to the State Clearinghouse. The District is the lead agency for the purposes of satisfying CEQA. The negative declaration was adopted at a meeting of the Mariposa Public Utility District Board of Directors on 2 December 2014.
37. Fulfillment of the District's obligations under the Stipulated Order constitutes full and final satisfaction of any and all liability for each claim in the Complaint in accordance with the terms of the Stipulated Order.

Pursuant to Water Code sections 13323 and 13385 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.



Pamela C. Creedon
Executive Officer

5/3/16

Date

Attachments:

Exhibit A: Record of Violations

Exhibit B: Administrative Civil Liability Complaint R5-2013-0590

Exhibit C: Compliance Project Description

Exhibit D: Time Schedule Order No. R5-2015-0041 (which amends R5-2014-0043)

**Mariposa Public Utility District
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 February 2008 and ending 1 December 2015) WITH MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2007-0171 and R5-2014-0042)

	<u>Date</u>	<u>Parameter</u>	<u>Units</u>	<u>WDR Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
1	7-Jun-10	Dichlorobromo methane	µg/L	1.1	3.5	Daily Maximum	2	936830
2	30-Jun-10	Dichlorobromo methane	µg/L	0.6	3.5	Monthly Average	2	936831
3	12-Jul-10	Dichlorobromo methane	µg/L	1.1	3.6	Daily Maximum	2	936833
4	31-Jul-10	Dichlorobromo methane	µg/L	0.6	3.6	Monthly Average	2	936832
5	16-Aug-10	Dichlorobromo methane	µg/L	1.1	2.3	Daily Maximum	2	936834
6	31-Aug-10	Dichlorobromo methane	µg/L	0.6	2.3	Monthly Average	2	936839
7	13-Sep-10	Dichlorobromo methane	µg/L	1.1	2.6	Daily Maximum	2	936837
8	30-Sep-10	Dichlorobromo methane	µg/L	0.6	2.6	Monthly Average	2	936836
9	5-Oct-10	Dichlorobromo methane	µg/L	1.1	13	Daily Maximum	2	885377
10	25-Oct-10	Dichlorobromo methane	µg/L	1.1	1.9	Daily Maximum	2	885373
11	31-Oct-10	Dichlorobromo methane	µg/L	0.6	7.45	Monthly Average	2	936074
12	8-Nov-10	Dichlorobromo methane	µg/L	1.1	2.4	Daily Maximum	2	888050
13	30-Nov-10	Dichlorobromo methane	µg/L	0.6	2.4	Monthly Average	2	888047
14	1-Dec-10	Dichlorobromo methane	µg/L	1.1	2	Daily Maximum	2	889389
15	13-Dec-10	Dichlorobromo methane	µg/L	1.1	1.9	Daily Maximum	2	889317
16	31-Dec-10	Dichlorobromo methane	µg/L	0.6	1.9	Monthly Average	2	889316
17	10-Jan-11	Dichlorobromo methane	µg/L	0.6	0.74	Monthly Average	2	891792
18	7-Feb-11	Dichlorobromo methane	µg/L	0.6	0.82	Monthly Average	2	894401
19	7-Mar-11	Dichlorobromo methane	µg/L	1.1	1.6	Daily Maximum	2	896821
20	31-Mar-11	Dichlorobromo methane	µg/L	0.6	1.6	Monthly Average	2	896820
21	4-Apr-11	Dichlorobromo methane	µg/L	1.1	2.1	Daily Maximum	2	899478
22	30-Apr-11	Dichlorobromo methane	µg/L	0.6	2.1	Monthly Average	2	899477
23	2-May-11	Dichlorobromo methane	µg/L	1.1	1.2	Daily Maximum	4	901637
24	31-May-11	Dichlorobromo methane	µg/L	0.6	1.2	Monthly Average	2	901636
25	13-Jun-11	Dichlorobromo methane	µg/L	1.1	1.8	Daily Maximum	2	905175
26	30-Jun-11	Dichlorobromo methane	µg/L	0.6	1.8	Monthly Average	2	905174
27	5-Jul-11	Dichlorobromo methane	µg/L	1.1	3.3	Daily Maximum	2	906266
28	31-Jul-12	Copper	µg/L	6.1	9	Monthly Average	2	935124

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-05XX**

	<u>Date</u>	<u>Parameter</u>	<u>Units</u>	<u>WDR Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
29	30-Jan-13	Total Residual Chlorine	mg/L	0.019	0.846	1-Hour Average	2	944269
30	30-Nov-13	Copper	µg/L	6.1	10.6	Monthly Average	2	960919
31	24-Feb-15	Copper	µg/L	6.8	8.5	Monthly Average	2	988652

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 minimum penalties.

<u>VIOLATIONS AS OF: 2/28/2015</u>	
Group I Serious Violations:	0
Group II Serious Violations:	30
Non-Serious Violations Exempt from MMPs:	0
<u>Non-serious Violations Subject to MMPs:</u>	<u>1</u>
Total Violations Subject to MMPs:	31

Mandatory Minimum Penalty = (30 serious Violations + 1 Non-Serious Violations) x \$3,000 = \$93,000

EXHIBIT B

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2013-0590

FOR MANDATORY MINIMUM PENALTIES
IN THE MATTER OF

MARIPOSA PUBLIC UTILITY DISTRICT
WASTEWATER TREATMENT FACILITY
MARIPOSA COUNTY

This Administrative Civil Liability (ACL) Complaint is issued to the Mariposa Public Utility District (Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL), CWC section 13323, which authorizes the Executive Officer to issue this ACL Complaint, 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 ACL Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2007-0171 (NPDES No. CA0079430).

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 sanitary sewer collection system and the Wastewater Treatment Facility (WWTF or Facility) and provides sewerage service for the community of Mariposa. Treated municipal wastewater is discharged to Mariposa Creek, a water of the United States.
2. On 6 December 2007, the Central Valley Water Board adopted WDRs Order R5-2007-0171 to regulate the Facility's discharge of treated wastewater to Mariposa Creek.
3. On 13 July 2011, the Central Valley Water Board issued Time Schedule Order (TSO) R5-2011-0905, which provided the Discharger a time schedule to comply with final effluent limitation for dichlorobromomethane by 17 May 2015.
4. On 19 September 2013, Central Valley Water board staff issued a Notice of Violation (NOV) with a draft Record of Violations (ROV) for 30 effluent limitation violations of the Discharger's WDRs Order R5-2007-0171. The alleged violations cited in the draft ROV occurred from 1 February 2008 to 30 July 2013.
5. On 7 October 2013, the Discharger responded and agreed with the cited violations stated in the NOV/ROV.
6. Board staff reevaluated the chronic count for Violation ID 945549 dated 28 February 2013 and cited in the draft ROV and determined that it is 181 days after Violation ID 937033 dated 31 August 2013-not 180 days. Thus, it is not part of the chronic count. It has been removed from the ROV along with Violation IDs 937033 and 939485, which were the supporting non-serious exempt violations cited in the draft ROV. This reduced the number of effluent limitation violations subject to MMPs to 29.

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

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, in part:

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.

8. CWC section 13385(i)(2) states:

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

9. CWC section 13385(j) exempts certain violations from 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.

10. TSO R5-2011-0905 contains interim effluent limitations for dichlorobromomethane. As shown on attachment A, the Discharger violated the final effluent limitation for dichlorobromomethane before and after the issuance of TSO R5-2011-0905; however the violations that occurred after the issuance of TSO R5-2011-0905 are exempt from MMPs pursuant to CWC 13385(j) as reported in the California Integrated Water Quality System (CIWQS).

11. WDRs Order R5-2007-0171, Effluent Limitation A.1a. prescribes, in part, a limitation for the following:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
Copper, Total Recoverable	micrograms per liter (µg/L)	6.1	12.3
Dichlorobromomethane	µg/L	0.6	1.1

12. WDRs Order R5-2007-0171, Effluent Limitation A.1d. prescribes the following total residual chlorine limitation:

- i. 0.011 milligrams per liter (mg/L), as a 4-day average; and
- ii. 0.019 mg/L, as a 1-hour average.

13. According to the Discharger's self-monitoring reports, the Discharger committed 28 serious Group II violations and one non-serious, chronic violation of the above effluent limitations contained in WDRs Order R5-2007-0171, as shown in Attachment A. The violations defined as serious are measured concentrations of Group 2 constituents that exceed the maximum prescribed levels by 20 percent or more.

14. According to the Discharger's self-monitoring reports and after issuance of TSO R5-2011-0905, the Discharger committed four serious Group II violations of the above effluent limitation contained in WDRs Order R5-2007-0171 that are not subject to MMPs due to CWC section 13385(j)(3)(C).

15. This ACL Complaint addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties. The total amount of the MMPs assessed for the violations cited in Attachment A is **\$87,000**.

16. CWC section 13385 (k)(1) states, in part:

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.

17. CWC section 13385 (k)(2) states, in part:

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 10,000 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.

18. Staff at the State Water Resources Control Board (State Water Board) prepared a memorandum dated 17 September 2008 that determined Mariposa Public Utility District WWTF is a publicly owned treatment works serving a small community with a financial hardship within the meaning of CWC section 13385(k)(2). On 18 September 2008, the Executive Director of the State Water Board confirmed that determination. Central Valley Water Board staff has recently confirmed that the District continues to serve a small community with a financial hardship.
19. Issuance of this ACL Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

MARIPOSA PUBLIC UTILITY DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount **\$87,000**.
2. **On 27/28 March 2014**, a hearing on this matter will be held at the Central Valley Water Board meeting scheduled, unless one of the following occurs by **15 January 2014**:

- a) The Discharger waives the hearing by completing the attached form (checking off the box next to Option 1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **\$87,000**; or
 - b) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests to engage in settlement discussions by checking off the box next to Option 2 on the attached form, and returns it to the Central Valley Water Board along with a letter describing the issues to be discussed; or
 - c) The Central Valley Water Board agrees to postpone any necessary hearing after the Discharger requests a delay by checking off the box next to Option 3 on the attached form, and returning it to the Board along with a letter describing the issues to be discussed.
3. If this matter proceeds to hearing, the Assistant Executive Officer reserves the right to amend the proposed amount of civil liability to conform to the evidence presented after the date of the issuance of this ACL Complaint through completion of the hearing.

Clay Rodgers

CLAY RODGERS, Assistant Executive Officer

12 / 30 / 13

(DATE)

Attachment A: Record of Violations

ATTACHMENT A

RECORD OF VIOLATIONS

MARIPOSA PUBLIC UTILITY DISTRICT, WASTEWATER TREATMENT FACILITY

Record of violations (1 February 2008 - 30 July 2013)

MANDATORY MINIMUM PENALTIES

(Data reported under Monitoring and Reporting Program R5-2007-0171)

<u>Violation ID¹</u>	<u>Occurred Date</u>	<u>Violation Type²</u>	<u>Violation Description</u>	<u>MMP Type³</u>
936830	6/7/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 3.5 ug/L	SERIOUS
936831	6/30/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 3.5 ug/L	SERIOUS
936833	7/12/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 3.6 ug/L	SERIOUS
936832	7/31/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 3.6 ug/L	SERIOUS
936834	8/16/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 2.3 ug/L	SERIOUS
936839	8/31/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 2.3 ug/L	SERIOUS
936837	9/13/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 2.6 ug/L	SERIOUS
936836	9/30/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 2.6 ug/L	SERIOUS
885377	10/5/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 13.0 ug/L	SERIOUS
885373	10/25/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 1.9 ug/L	SERIOUS
936074	10/31/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 7.45 ug/L	SERIOUS
888050	11/8/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 2.4 ug/L	SERIOUS
888047	11/30/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 2.4 ug/L	SERIOUS
889389	12/1/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 2.0 ug/L	SERIOUS
889317	12/13/2010	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 1.9 ug/L	SERIOUS

ACL Complaint R5-2013-0590
Attachment A
Mariposa Public Utilities District
Record of Violations

<u>Violation ID¹</u>	<u>Occurred Date</u>	<u>Violation Type²</u>	<u>Violation Description</u>	<u>MMP Type³</u>
889316	12/31/2010	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 1.9 ug/L	SERIOUS
891792	1/10/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 0.74 ug/L	SERIOUS
894401	2/7/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 0.82 ug/L	SERIOUS
896821	3/7/2011	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 1.6 ug/L	SERIOUS
896820	3/31/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 1.6 ug/L	SERIOUS
899478	4/4/2011	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 2.1 ug/L	SERIOUS
899477	4/30/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 2.1 ug/L	SERIOUS
901637	5/2/2011	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 1.2 ug/L	CHRONIC
901636	5/31/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 1.2 ug/L	SERIOUS
905175	6/13/2011	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 1.8 ug/L	SERIOUS
905174	6/30/2011	CAT2	Dichlorobromomethane Monthly Average limit is 0.6 ug/L; reported 1.8 ug/L.	SERIOUS
906266	7/5/2011	CAT2	Dichlorobromomethane Daily Maximum limit is 1.1 ug/L; reported 3.3 ug/L	SERIOUS
935124	7/31/2012	CAT2	Copper, Total Recoverable Monthly Average limit is 6.1 ug/L; reported 9.0 ug/L	SERIOUS
944269	1/30/2013	CAT2	Chlorine, Total Residual 1-Hour Average limit is 0.019 mg/L; reported 0.846 mg/L	SERIOUS

¹ Violation ID in CIWQS

² Abbreviations used in this table are defined in table of abbreviations below.

³ Non-serious (chronic) and serious violations are subject to MMPs.

ACL Complaint R5-2013-0590
Attachment A
Mariposa Public Utilities District
Record of Violations

<u>Abbreviation</u>	<u>Definition</u>
CAT2	Violation of Group 2 effluent limitation as defined in Enforcement Policy
CIWQS	California Integrated Water Quality System database
MMP	Mandatory minimum penalty

<u>MMP VIOLATION TYPE</u>	<u>VIOLATION PERIOD</u> <u>02/01/08 to 07/30/13</u>
Group 2 Serious Violations Subject to MMPs:	28
Chronic (non-serious) Violations Subject to MMPs:	1
Exempt Violations:	0
Total Violations Subject to MMPs:	29

Mandatory Minimum Penalty = 29 violations x \$3,000 = \$87,000

EXHIBIT C

Compliance Project Description

Project Purpose:

The purpose of the proposed improvements is to enhance wastewater treatment, thereby improving the quality of wastewater effluent and eliminating future effluent violations. The wastewater treatment plant serves the community of Mariposa with a population of approximately 2,000 with a design dry weather flow capacity of 0.61 million gallons per day.

Proposed Improvements:

Mariposa Public Utility District evaluated alternatives for meeting final effluent limitations and requirements for dichlorobromomethane, zinc, copper, nitrate (as N), and tertiary treatment. Mariposa Public Utility District proposes the addition of a new anoxic/flow equalization basin (to facilitate denitrification), tertiary filtration (to reduce copper and zinc concentrations), and ultraviolet light (UV) disinfection (to eliminate disinfection byproducts dichlorobromomethane and chlorine). The planned upgrades are scheduled to be completed and fully functional by 18 May 2020.

Water Bodies, Beneficial Uses and/or Pollutants Addressed by this Project:

The Facility discharges to Mariposa Creek, a water of the United States and tributary to Duck Slough, which flows to the San Joaquin River, within the Mariposa Hydrologic Unit. The proposed improvements will produce effluent with lower concentrations of zinc, copper, and disinfection byproducts dichlorobromomethane and chlorine. The following existing and potential beneficial uses apply: municipal and domestic supply; contact water recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat.

Budget and Schedule:

The compliance project is expected to cost approximately \$9,600,000. Project construction is expected to take 30 months to complete, once financing is in place. However, to coincide with the final date for full compliance in Time Schedule Order (TSO) No. R5-2015-0041, the final Compliance Project completion date will be 18 May 2020, for compliance and enforcement purposes.

Deliverables:

Progress Reports: Progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements; including financing, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.

Due Date: 1 June and 1 December (semi-annually) until final compliance.

Design Completion Documentation: Documentation shall be submitted that the design of tertiary filtration, UV disinfection, and nitrogen removal upgrades has been initiated.

Due Date: 1 July 2016

Certification of Completion: Certification, with supporting documentation, shall be submitted that the Compliance Project has been completed in accordance with the terms of this Stipulated Order.

Due Date: 18 May 2020

EXHIBIT D

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2015-0041

AMENDING TIME SCHEDULE ORDER R5-2014-0043

REQUIRING
MARIPOSA PUBLIC UTILITY DISTRICT
MARIPOSA WASTEWATER TREATMENT FACILITY
MARIPOSA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0042
(NPDES PERMIT NO. CA0079430)

The California Regional Water Quality Control Board, Central Valley Region, (hereinafter Central Valley Water Board) finds that:

1. On 6 December 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0171, NPDES Permit No. CA0079430, prescribing WDRs for the Mariposa Public Utility District (hereinafter Discharger), Mariposa Wastewater Treatment Facility (hereafter Facility), Mariposa County.
2. WDR Order R5-2007-0171, section IV.A.1.a., included, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

Table 5. Final Effluent Limitations

<i>Parameter</i>	<i>Units</i>	<i>Effluent Limitations</i>				
		<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Instantaneous Maximum</i>
<i>Dichlorobromomethane</i>	<i>µg/L</i>	<i>0.6</i>	<i>--</i>	<i>1.1</i>	<i>--</i>	<i>--</i>

3. WDR Order R5-2007-0171, Section VI.C.7.a.i., provided a compliance schedule requiring the Discharger to comply with the final effluent limitations for dichlorobromomethane by 18 May 2010. The final effluent limitations specified in WDR Order R5-2007-0171 for dichlorobromomethane are based on implementation of the California Toxics Rule and were new effluent limitations, which were not prescribed in previous Order 5-00-122, adopted by the Central Valley Water Board on 16 June 2000.
4. On 13 July 2011, the Central Valley Water Board Executive Officer issued Time Schedule Order (TSO) R5-2011-0905, establishing a time schedule to complete tasks necessary to ensure compliance with the final dichlorobromomethane effluent limitations by 18 May 2015.
5. On 28 March 2014, the Central Valley Water Board adopted WDR Order R5-2014-0042, NPDES Permit No. CA0079430, rescinding WDR Order R5-2007-0171 and prescribing renewed WDRs for the Facility.
6. WDR Order R5-2014-0042, section IV.A.1.a., includes, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

Table 4. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Dichlorobromomethane	µg/L	0.56	--	1.3	--	--

7. On 28 March 2014, the Central Valley Water Board adopted TSO R5-2014-0043 to establish time schedules for achieving compliance with several final effluent limitations contained in WDR Order R5-2014-0042. TSO R5-2014-0043 carried over the time schedule from TSO R5-2011-0905 for dichlorobromomethane and rescinded TSO R5-2011-0905.
8. This Order amends TSO R5-2014-0043 to include an update on the actions the Discharger has taken to work toward compliance with the final effluent limitations in WDR Order R5-2014-0042, and to extend the final compliance date for achieving compliance with the final effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042, pursuant to California Water Code section 13385(j)(3)(C)(ii)(II).
9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to California Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
10. On 17 April 2015, in Fresno, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider amending TSO R5-2014-0043 under California Water Code section 13385(j)(3)(C)(ii)(II) to extend the time schedule to achieve compliance with the final effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042.

IT IS HEREBY ORDERED THAT pursuant to California Water Code section 13300 and 13267, TSO R5-2014-0043 is amended as shown in underline/strikeout format in Attachment A.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code 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 calendar days from the adoption date of this Order, except that if the thirtieth day following the adoption date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the laws 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.

ORDER R5-2015-0041
MARIPOSA PUBLIC UTILITY DISTRICT
MARIPOSA WASTEWATER TREATMENT FACILITY
MARIPOSA COUNTY

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I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Order R5-2015-0041, adopted by the California Regional Water Quality Control Board, Central Valley Region, on 17 April 2015.

Original signed by:

PAMELA C. CREEDON, Executive Officer

Attachment A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2014-0043-01
AS AMENDED BY ORDER R5-2015-0041

REQUIRING
MARIPOSA PUBLIC UTILITY DISTRICT
MARIPOSA WASTEWATER TREATMENT FACILITY
MARIPOSA COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2014-0042
(NPDES PERMIT NO. CA0079430)

The California Regional Water Quality Control Board, Central Valley Region, (hereinafter Central Valley Water Board) finds that:

1. On 6 December 2007, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2007-0171, NPDES Permit No. CA0079430, prescribing WDRs for the Mariposa Public Utility District (hereinafter Discharger), Mariposa Wastewater Treatment Facility (hereafter Facility), Mariposa County.
2. WDR Order R5-2007-0171, section IV.A.1.a., included, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

Table 5. Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Dichlorobromomethane	µg/L	0.6	--	1.1	--	--

3. WDR Order R5-2007-0171, Section VI.C.7.a.i., provided a compliance schedule requiring the Discharger to comply with the final effluent limitations for dichlorobromomethane by 18 May 2010. The final effluent limitations specified in WDR Order R5-2007-0171 for dichlorobromomethane are based on implementation of the California Toxics Rule and were new effluent limitations, which were not prescribed in previous Order 5-00-122, adopted by the Central Valley Water Board on 16 June 2000.
4. On 13 July 2011, the Central Valley Water Board Executive Officer issued Time Schedule Order (TSO) R5-2011-0905, establishing a time schedule to complete tasks necessary to ensure compliance with the final dichlorobromomethane effluent limitations by 18 May 2015.
5. On 28 March 2014, the Central Valley Water Board adopted WDR Order R5-2014-0042, NPDES Permit No. CA0079430, rescinding WDR Order R5-2007-0171 and prescribing renewed WDRs for the Facility.
6. WDR Order R5-2014-0042, section IV.A.1.a., includes, in part, the following final effluent limitations applicable to the discharge from the Facility at Discharge Point 001:

Table 4. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Chlorodibromomethane	µg/L	0.41	--	0.82	--	--
Dichlorobromomethane	µg/L	0.56	--	1.3	--	--
Nitrate plus Nitrite (as N)	mg/L	10.	--	--	--	--
Total Trihalomethanes	µg/L	80	--	--	--	--

7. The effluent limitations specified in WDR Order R5-2014-0042 for chlorodibromomethane are based on implementation of the California Toxics Rule. The effluent limitation specified in WDR Order R5-2014-0042 for total trihalomethanes is based on the implementation of the California Primary Maximum Contaminant Level (MCL). The effluent limitations for chlorodibromomethane and total trihalomethanes are new effluent limitations, which were not prescribed in previous WDR Order R5-2007-0171. The effluent limitations specified in WDR Order R5-2014-0042 for dichlorobromomethane are carried over from WDR Order R5-2007-0171.
8. In general, a NPDES permit must include final effluent limitations that are consistent with Clean Water Act section 301 and with Title 40, Code of Federal Regulations, Section 122.44(d) (40 CFR 122.44(d)). There are exceptions to this general rule. The State Water Resources Control Board's (State Water Board) *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy) allows compliance schedules in permits for "new, revised, or newly interpreted water quality objective[s] or criteri[a]". The Compliance Schedule Policy defines "new, revised, or newly interpreted" as criteria or objectives adopted after 25 September 1995 (for the Central Valley Region). MCLs are numeric chemical constituent objectives that were adopted prior to 25 September 1995. Thus, effluent limitations based on MCLs are not considered "new, revised, or newly interpreted" in accordance with the Compliance Schedule Policy.
9. The effluent limitation specified in WDR Order R5-2014-0042 for nitrate plus nitrite (as N) is a revised effluent limitation based on the California Primary MCL. WDR Order R5-2007-0171 contained a similar effluent limitation for nitrate (as N) of 10 mg/L and included a compliance schedule within the Order with final compliance required by 4 December 2017. The effluent limitation was revised to be consistent with the California Primary MCL, and, thus, is not considered a "new, revised, or newly interpreted water quality objective" for purposes of including a compliance schedule within the WDRs. The nitrate plus nitrite (as N) effluent limitation is a new, more stringent effluent limitation in accordance with California Water Code (Water Code) section 13385(j)(3)(B), which provides protection from mandatory minimum penalties.

Need for Time Schedule Extension and Legal Basis

10. On 6 August 2009, the Discharger submitted a work plan and implementation schedule for dichlorobromomethane to address compliance with final effluent limitations contained in Order R5-2007-0171. The work plan included an implementation schedule for meeting final effluent limitations for dichlorobromomethane with a final compliance date of 4 December 2017. Central Valley Water Board staff informed the Discharger that time schedules cannot exceed 5 years from the date the effluent limitations became final, and requested the Discharger submit a revised

implementation schedule for meeting the final effluent limitations for dichlorobromomethane that does not exceed 5 years.

11. On 25 January 2010, the Discharger submitted a revised request for extension of the final compliance date for the dichlorobromomethane effluent limitations. The Discharger requested an extension to 18 May 2015 and provided information regarding its progress toward compliance with new effluent limitations in WDR Order R5-2007-0171. On 19 May 2010, the Discharger submitted another update on its progress and indicated that it may not be able to meet a compliance deadline of 18 May 2015 for dichlorobromomethane effluent limitations.
12. On 7 January 2011, the Discharger submitted a report entitled *Facility Plan* prepared by Carollo Engineers on behalf of the Discharger. The Facility Plan evaluates alternatives for meeting final effluent limitations and requirements for dichlorobromomethane, nitrate (as N), and tertiary treatment. The Facility Plan recommends the addition of a new anoxic/flow equalization basin, tertiary filtration, and ultraviolet light (UV) disinfection and estimates the cost of the upgrades to be approximately \$7,300,000. The cover letter accompanying the Facility Plan includes a request for a time schedule for meeting the final effluent limitations for dichlorobromomethane and a revised implementation schedule for meeting final effluent limitations and requirements. The revised implementation schedule indicates the Discharger intends to comply with the final effluent limitations for dichlorobromomethane by 4 December 2017. Water Code section 13385(j)(3)(C)(i) does not allow the Central Valley Water Board to issue time schedules for complying with final effluent limitations that exceed 5 years in length. However, subclause (ii) allows dischargers to request up to an additional 5 years if the discharger is still unable to comply with the final effluent limitations and can show it is making diligent progress toward complying with the final effluent limitations for dichlorobromomethane. Thus, TSO R5-2011-0905 included a time schedule for dichlorobromomethane requiring compliance with the final effluent limitations in Order R5-2007-0171 by 18 May 2015. Consistent with TSO-R5-2011-0905, ~~this Order~~ TSO R5-2014-0043 ~~required~~ requires compliance with the effluent limitations for dichlorobromomethane in WDR Order R5-2014-0042 by 18 May 2015. The Discharger ~~may requested~~ requested additional time (see Finding No. 17), ~~provided it complies in accordance with~~ Water Code section 13385(j)(3)(C)(ii), by showing it is making diligent progress towards complying with the effluent limitations for dichlorobromomethane.
13. On 7 October 2013, the Discharger provided another update on the progress of the Facility upgrades. The Discharger indicated that it expended monies to fund a pilot study for complying with new effluent limitations for copper and zinc, for which WDR Order R5-2007-0171 required compliance by 18 May 2010. The Discharger also indicated that it has been focusing its limited resources and staff on updating and upgrading its drinking water treatment plant, which was found to be in chronic violation of the drinking water Disinfection Byproduct Rule in 2006. Funding for the drinking water treatment plant was secured in December 2010 and February 2011, and the new plant began operating in July 2013. Due to the Discharger's limited staff and resources, it has reportedly not been able to devote a significant amount of staff time and resources towards the Facility upgrades during the period it was working on the drinking water treatment plant upgrades. Thus, the Discharger failed to comply with all of the milestones established in TSO R5-2011-0905.
14. On 17 December 2013, the Discharger submitted a request and justification for a time schedule for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes and provided detailed information supporting the infeasibility to immediately comply with the new effluent limitations for these parameters. For compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes, the Discharger has requested time to construct upgrades to the treatment system, including a UV disinfection system and denitrification facilities.

The Discharger provided similar information contained in previous updates, and indicated that it would need to complete a sewer and water rate study, for which funding was approved on 6 August 2013, to determine appropriate operating expenses for the collection system and treatment facility. Sewer rates have not changed since 2001, and the Discharger indicated operating expenses have exceeded operating income since 2008. The sewer rate study is necessary to apply for financing from the State Revolving Fund.

15. The Discharger submitted progress reports on 2 June 2014 and 17 November 2014, as required by WDR Order R5-2014-0042 and TSO R5-2014-0043. The progress reports note the Discharger completed a cultural resources study and issued a request for proposals and received proposals from engineering firms in June 2014 for preparing plans and specifications for the Facility upgrades, additional review of disinfection alternatives, assistance with funding applications, and assistance with estimating greenhouse gas emissions. The progress reports also note that the Discharger completed the sewer rate study and held a hearing for adoption of new sewer rates, which went into effect in October 2014. The Discharger also indicated that it is currently in the process of submitting funding applications to the State Water Resources Control Board and United States Department of Agriculture, and estimated it would complete the applications by the beginning of January 2015.
16. On 29 October 2014, the Discharger submitted a draft mitigated negative declaration to the State Clearinghouse. The Discharger is the lead agency for the purposes of satisfying the California Environmental Quality Act (CEQA). The negative declaration was adopted at a meeting of the Mariposa Public Utility District Board of Directors on 2 December 2014.
17. On 17 November 2014, the Discharger requested an extension to the time schedule for complying with the final effluent limitations for dichlorobromomethane to 18 May 2020.

Mandatory Minimum Penalties

18. Water Code sections 13385(h) and (i) require the Central Valley Water Board to impose mandatory minimum penalties (MMPs) upon dischargers that violate certain effluent limitations. Water Code section 13385(j)(3) exempts the discharge from mandatory minimum penalties "*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 the [specified] requirements are met...for the purposes of this subdivision, the time schedule may not exceed five years in length...*".
19. Per the requirements of Water Code section 13385(j)(3):
 - a. This Order specifies the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to Water Code sections 13385(h) and (i).
 - b. The Discharger has stated that additional time is necessary to allow for completion of treatment plant upgrades for compliance with the final chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes effluent limitations.
 - c. The final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes are new, more stringent, or modified regulatory requirements that became applicable to the waste discharge on the effective date of Order R5-2014-0042 and after 1 July 2000. The final effluent limitations for dichlorobromomethane are new, more stringent regulatory requirements that became applicable to the waste discharge on 18 May 2010 under

WDR Order R5-2007-0171, and after 1 July 2000. New or modified control measures are necessary in order to comply with the final effluent limitations for chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

- d. This Order establishes a time schedule to bring the waste discharge into compliance with the effluent limitations that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations.
 - e. The Discharger has demonstrated that the time schedule extension for dichlorobromomethane is necessary to comply with the final effluent limitations in WDR Order R5-2014-0042 and that it is making diligent progress toward complying with the final effluent limitations in WDR Order R5-2014-0042.
20. TSO R5-2011-0905 provided protection from MMPs for violations of effluent limitations for dichlorobromomethane from 13 July 2011 and required final compliance by 18 May 2015. ~~This TSO R5-2014-0043 retained~~ retains these compliance milestones; thus, the time schedule ~~will did~~ not exceed five years pursuant to Water Code section 13385(j)(3)(C)(i). This Order grants a time schedule extension in accordance with Water Code section 13385(j)(3)(C)(ii)(II). Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for dichlorobromomethane found in WDR Order R5-2014-0042 from 28 March 2014 until 17 May ~~2015~~2020.
 21. Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes found in WDR Order R5-2014-0042 from 28 March 2014 until 3 December 2017. The Discharger has not previously been protected from mandatory minimum penalties for violations of the chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes effluent limitations.
 22. In accordance with Water Code sections 13385(j)(3)(C)(i), the total length of protection from mandatory minimum penalties for the final effluent limitations for chlorodibromomethane, ~~dichlorobromomethane~~, nitrate plus nitrite (as N), and total trihalomethanes does not exceed five years. In accordance with Water Code section 13385(j)(3)(C)(ii)(II), the time schedule extension for dichlorobromomethane does not exceed five years in length.
 23. This Order provides time schedules for completing the actions necessary to ensure compliance with the final effluent limitations for chlorodibromomethane, dichlorobromomethane, nitrate plus nitrite (as N), and total trihalomethanes contained in WDR Order R5-2014-0042. Since the time schedule for completion of actions necessary to bring the waste discharge into compliance exceeds one year, this Order includes interim effluent limitations and interim requirements and dates for their achievement.
 24. This Order includes new performance-based interim effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes, and updated performance-based interim effluent limitations for dichlorobromomethane. The interim effluent limitations are based on the current treatment plant performance.

The interim effluent limitations consist of statistically calculated performance-based average monthly and maximum daily effluent limitations derived using sample data provided by the Discharger. The interim effluent limitations were developed using the statistical based approach provided in USEPA's *Technical Support Document for Water Quality-Based Toxics Control* (TSD). The TSD provides guidance on estimating the projected maximum effluent concentration using a lognormal distribution of the observed effluent concentrations at a desired confidence level, as detailed in Section 3.3 of the TSD. The multipliers in Table 3-1 of the TSD were used to calculate the 99th percent confidence level and 99th percentile of the data set based on the number of effluent samples and the coefficient of variation. The multipliers from the table were multiplied by the highest observed effluent concentration (MEC) to estimate the maximum expected effluent concentration; this value was used as the interim effluent limitations for the average monthly effluent limitation (AMEL). The interim performance-based maximum daily effluent limitations (MDELs) were established in accordance with section 1.4 and Table 2 of the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP), by multiplying the interim AMEL by the MDEL/AMEL multiplier.

Effluent data from February 2008 through February 2013 were used to calculate the interim effluent limitations. The following table summarizes the calculations of the daily maximum and average monthly interim effluent limitations for these constituents:

Parameter	Units	MEC	No. of Observations	Mean	Standard Deviation	CV	Interim AMEL ¹	Interim MDEL ²
Chlorodibromomethane	µg/L	1.3	54	-- ³	-- ³	0.6 ³	2.2	4.4
Dichlorobromomethane	µg/L	13	76	2.2	1.8	0.82	22	49
Nitrate plus Nitrite (as N)	mg/L	57	70	13	10	0.82	101	--
Total Trihalomethanes	µg/L	120	42	37	21	0.58	213	--

¹ Projected 99th percentile effluent concentration value for an assumed lognormal distribution at a 99 percent confidence upper bound. Calculated per Section 3.3.2 of the TSD.

² Interim MDEL calculated using MDEL/AMEL multiplier from Section 1.4 of the SIP.

³ 96 percent of chlorodibromomethane samples were recorded as non-detects. Since the proportion of censored values in the data set exceeded 80 percent, the CV was assumed to be 0.6.

25. The Central Valley Water Board finds that the Discharger can maintain compliance with the interim effluent limitations included in this Order. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facility. Discharge of constituents in concentrations in excess of the final effluent limitations, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving stream on a long-term basis. The interim effluent limitations, however, establish an enforceable ceiling concentration until compliance with the final effluent limitations can be achieved.

26. If an interim effluent limitation contained in this Order is exceeded, then the Discharger is subject to MMPs for that particular exceedance as it will no longer meet the exemption in Water Code 13385(j)(3). It is the intent of the Central Valley Water Board that a violation of an interim average monthly effluent limitation subjects the Discharger to only one MMP for that monthly averaging period. In addition, a violation of an interim daily maximum effluent limitation subjects the Discharger to one MMP for the day in which the sample was collected.

Other Regulatory Requirements

27. Water Code section 13300 states: *“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”*
28. Water Code section 13267 states in part: *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*
29. The Discharger owns and operates the wastewater treatment facility, which is subject to this Order. The technical and monitoring reports required by this Order are necessary to determine compliance with the WDRs and with this Order.
30. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) pursuant to Water Code section 13389, since the adoption or modification of a NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (*Pacific Water Conditioning Ass’n, Inc. v. City Council of City of Riverside* (1977) 73 Cal.App.3d 546, 555-556.). Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).
31. On 28 March 2014, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider this Time Schedule Order under Water Code section 13300 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED THAT Order R5-2011-0905 is rescinded upon the adoption date of this Order, except for enforcement purposes, and pursuant to sections 13300 and 13267 of the Water Code, that:

1. The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for dichlorobromomethane at section IV.A.1.a., contained in Order R5-2014-0042 as described in Finding 6 of this Order:

Task	Compliance Date
Submit and begin implementing a Pollution Prevention Plan ¹ pursuant to Water Code section 13263.3 for dichlorobromomethane	29 September 2014

Task	Compliance Date
Progress Reports ²	1 June and 1 December, semi-annually, until final compliance
Full compliance with the final effluent limitations for dichlorobromomethane	18 May 2015 ³ 2020

- ¹ The pollution prevention plan shall be prepared and implemented for dichlorobromomethane and shall meet the requirements specified in Water Code section 13263.3. The pollution prevention plan shall describe pollution prevention activities the Discharger will implement in the short-term and the long-term to reduce effluent concentrations for dichlorobromomethane.
- ² The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.
- ³ ~~If additional time beyond 18 May 2015 is needed to comply with the final effluent limitations, the Discharger shall submit a request for an extension and documentation to satisfy Water Code section 13385(j)(3)(C)(ii). The documentation must include demonstration that the Discharger is making diligent progress toward complying with the final effluent limitations and that the additional time is necessary to comply with the final effluent limitations. The extension may not exceed five years from 18 May 2015. To avoid a lapse in coverage, the request should be submitted at least six months in advance of 18 May 2015 to give the Central Valley Water Board enough time to evaluate and process the request.~~

2. The following interim effluent limitations for dichlorobromomethane at Discharge Point 001 shall be effective from 28 March 2014 to 17 May 2015~~2020~~, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limitation	Interim Average Monthly Effluent Limitation
Dichlorobromomethane	µg/L	49	22

3. The Discharger shall comply with the following time schedule to ensure compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes at section IV.A.1.a., contained in Order R5-2014-0042, as described in Finding 6:

Task	Compliance Date
Submit and begin implementing a Pollution Prevention Plan ¹ pursuant to Water Code section 13263.3 for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes	29 September 2014
Progress Reports ²	1 June and 1 December, semi-annually, until final compliance
Submit draft California Environmental Quality Act documentation	1 October 2014
Submit written certification that a Financial Assistance application has been submitted to the State Water Resources Control Board	1 December 2014
Submit documentation that the design of tertiary, UV, and nitrogen removal upgrades has been initiated.	1 July 2015
Submit documentation that construction has initiated	1 October 2016

Task	Compliance Date
Full compliance with the final effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes	4 December 2017

- ¹ The pollution prevention plan shall be prepared and implemented for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes and shall meet the requirements specified in Water Code section 13263.3. The pollution prevention plan shall describe pollution prevention activities the Discharger will implement in the short-term and the long-term to reduce effluent concentrations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes.
 - ² The progress reports shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including studies, construction progress, evaluation of measures implemented, and recommendations for additional measures as necessary to achieve full compliance by the final date.
4. The following interim effluent limitations for chlorodibromomethane, nitrate plus nitrite (as N), and total trihalomethanes at Discharge Point 001 shall be effective from 28 March 2014 to 3 December 2017, or when the Discharger is able to come into compliance, whichever is sooner.

Parameter	Units	Interim Maximum Daily Effluent Limit	Interim Average Monthly Effluent Limit
Chlorodibromomethane	µg/L	4.4	2.2
Nitrate plus Nitrite (as N)	mg/L	--	101
Total Trihalomethanes	µg/L	--	213

5. Any person signing a document submitted under this Order shall make the following certification:
- “I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*
6. In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain work plans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.
7. For the time schedules required by this Order, the Discharger shall submit to the Central Valley Water Board on or before each report due date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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 Water Code 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 of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, 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.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 28 March 2014 and amended by Order R5-2015-0041 on 17 April 2015.

PAMELA C. CREEDON, Executive Officer