
Lahontan Regional Water Quality Control Board

April 30, 2021

Darron Poulsen, General Manager
Victor Valley Wastewater Reclamation Authority
20111 Shay Rd.
Victorville, CA 92394

Lahontan Water Board Prosecution Team
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Information Request: Proposed Order No. R6V-2021-0004 Victor Valley Wastewater Reclamation Authority (VWVRA) Settlement Agreement and Stipulation for Entry of Order

The Advisory Team, on behalf of the Lahontan Regional Water Quality Control Board (Water Board), would like to ask the following questions regarding the proposed Settlement Agreement. The Water Board must have all pertinent information in hand before considering adoption of a final Settlement Agreement. The following questions, comments, and request for information are directed to the Parties to gather the necessary information for the Water Board to review the proposed Settlement Agreement.

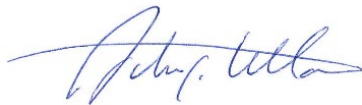
Responses to the following questions must be **received by May 28, 2021** and sent to: RB6enfproceed@waterboards.ca.gov

Questions:

1. The description of the SEP indicates the VWVRA will “waive up to \$72,000 in VWVRA connection fees associated with the SEP currently underway by the City of Victorville.” Can you please clarify whether VWVRA will be expending any monies on the SEP? If no money is to be expended but rather a credit or waiver of fees will be given to the City of Victorville, please describe how this is consistent with Water Code section 13385, State Board’s Water Quality Enforcement Policy (Enforcement Policy), and State Board’s Policy On Supplemental Environmental Projects (SEP Policy) which discusses the expenditure of funds? Can you also discuss how the “waiver” is to be audited, documented, and spent as “expenditures” as described in section III, Stipulations #36, #37, #38, and #40?
2. The SEP Policy indicates that SEPs cannot be “[p]rojects for which the settling party does not retain full responsibility to ensure satisfactory completion.” Can you please

- describe how VVWRA retains full responsibility over the SEP if waiver of connection fees is dependent on the City of Victorville's construction of the related connection?
3. Can you please describe how waiving a connection fee is a "complete, discrete actions with tangible water-related environmental or public health benefits."?
 4. The SEP Policy indicates that SEPs cannot include actions which the settling party, or any other regulated third party, is likely to be required to perform, such as part of an existing settlement or order in another legal action. Under the proposed SEP, VVWRA would waive up to \$72,000 in VVWRA connection fees associated with the SEP currently underway by the City of Victorville as part of Settlement Agreement Order No. R6V-2020-0001. As the City of Victorville's SEP requires the payment of all costs associated with connecting to the City sewer system, including payment of the VVWRA connection fee, how is VVWRA not taking an action already required to be performed by the City of Victorville through an existing settlement?
 5. The Settlement Agreement in Section II, #25, and in section III, # 32, indicates that VVWRA is "augmenting" the City of Victorville's SEP. It is the Advisory Team's understanding that a modification of the City of Victorville Settlement Agreement and Stipulated Order No. R6V-2020-0001 is not being requested. Can you please clarify that the City of Victorville's existing obligations are not being modified through the settlement agreement with VVWRA?
 6. Stipulation #36 on Page 10 of the Settlement Agreement indicates that the first quarterly progress report is due on May 1, 2021. Please note that this first quarterly progress report due date may need to be adjusted based on the date that the final Order is signed by the Executive Officer.

If you have procedural questions or need clarification regarding the questions posed in this letter prior to responding, the Advisory Team is available by conference call or a virtual meeting to help answer your inquiries. Please contact Ben Letton at (530) 721-0605 or ben.letton@waterboards.ca.gov to schedule a conference call or a virtual meeting.



BEN LETTON
ACTING ASSISTANT EXECUTIVE OFFICER

cc: Brian Gengler, City of Victorville
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