

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
ORDER NO. R2-2020-1007**

**C&H Sugar Company, Inc. and Crockett Community Services District
C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community
Services District Philip F. Meads Water Treatment Plant
830 Loring Avenue, Crockett, Contra Costa County
NPDES Permit CA0005240, Regulatory Measure 433518**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), C&H Sugar Company, Inc. and Crockett Community Services District (Dischargers) hereby accept the conditional offer to settle alleged violations through payment of a mandatory minimum penalty and waives the right to a hearing before the Regional Water Board to dispute the alleged violations. The violations are attached to this Acceptance and Waiver as Exhibit A and incorporated by reference.

The Dischargers agree that Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations. The Dischargers agree to pay the penalty authorized by Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in Exhibit A. The Dischargers understand that this Acceptance and Waiver waives its right under Water Code section 13323 to contest the allegations in Exhibit A and the amount of civil liability assessed for the violations.

The Dischargers understand that this Acceptance and Waiver does not address or resolve liability for any violation not specifically identified in Exhibit A.

This Acceptance and Waiver 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. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

Upon execution, the Dischargers shall return the Acceptance and Waiver to the following:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Wastewater Enforcement Section
Attention: Debbie Phan
1515 Clay Street, Suite 1400
Oakland, California 94612

or

R2NPDES.MMPS@Waterboards.ca.gov

The Dischargers understand that federal regulations set forth in Code of Federal Regulations, title 40, section 123.27(d)(2)(iii), require the Regional Water Board to publish notice of, and provide at least 30 days for, public comment on any proposed resolution of an enforcement action. Accordingly, prior to execution by the Regional Water Board's Executive Officer, this Acceptance and Waiver will be published for public comment as required by law.

The Dischargers understand that the Executive Officer may execute the Acceptance and Waiver if no comments are received within the public notice period and the Executive Officer agrees that the assessment of the mandatory minimum penalty appropriately resolves the alleged violations. The Regional Water Board's resolution of the violations will preclude State Water Resources Control Board (State Water Board) action for the same violations.

The Dischargers understand that the offer may be withdrawn if significant comments are received in opposition to the conditional offer. In that circumstance, Regional Water Board staff will advise the Dischargers of the withdrawal and may issue an administrative civil liability complaint and schedule the matter for a hearing before the Regional Water Board or State Water Board.

The Dischargers understand that funds collected for violations pursuant to Water Code section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account.

The Dischargers understand that, in lieu of full payment of the assessed mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, they may elect to pay a portion toward a supplemental environment project (SEP). The SEP option is the SEP Fund, which supplements Regional Monitoring Program (RMP) studies that would not otherwise be conducted through the RMP's annually approved RMP cost allocations.

The Dischargers understand that once the Regional Water Board's Executive Officer executes this Acceptance and Waiver, payment no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The Dischargers shall pay the assessed civil liability to the State Water Pollution Cleanup and Abatement Account and/or San Francisco Estuary Institute (for the SEP Fund) as selected above. The State Water Board will send an invoice for any payment due to the State Water Pollution Cleanup and Abatement Account. The Regional Water Board will send an invoice for any payment due to the SEP Fund.

The Dischargers agree to pay the amounts indicated below to the State Water Pollution Cleanup and Abatement Account and, if chosen, the SEP Fund. The Dischargers understand that the Regional Water Board will consider the Dischargers to have fulfilled any SEP obligation if and when the San Francisco Estuary Institute receives the Dischargers' contribution to the SEP Fund. (Place a "✓" or "✗" in **one** box below and fill in the blanks as appropriate. Electing to pay a portion of the assessed liability to the SEP Fund will not change the total amount to be paid.)

Acceptance of Conditional Resolution and Waiver of Right to Hearing
C&H Sugar Company, Inc. and Crockett Community Services District
Regulatory Measure: 433518

Payment Options:

- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
\$ 12,000.00 Amount to be paid to the SEP Fund (cannot exceed \$12,000)
\$ 0 Amount to be paid to the State Water Pollution Cleanup and Abatement Account (\$12,000 minus amount inserted above)
\$ 12,000 Total assessed mandatory minimum penalty (sum of amounts above).


Or

- Option 2: Pay the total assessed mandatory minimum liability (\$12,000) to the State Water Pollution Cleanup and Abatement Account.

I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Dischargers in the making and giving of this Acceptance and Waiver.

C&H Sugar Company, Inc. and Crockett Community Services District

By: Michael Seither Senior Vice president Operations
Printed or typed name Title

 Dec. 17, 2013
Signature Date

Note: Please return the signed Acceptance and Waiver with Exhibit A, together

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____ Date _____
Michael Montgomery
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Payment Options:

- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
\$ 12,000 Amount to be paid to the SEP Fund (cannot exceed \$12,000)
\$ _____ Amount to be paid to the State Water Pollution Cleanup and Abatement Account (\$12,000 minus amount inserted above)
\$ 12,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- Option 2: Pay the total assessed mandatory minimum liability (\$12,000) to the State Water Pollution Cleanup and Abatement Account.

I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Dischargers in the making and giving of this Acceptance and Waiver.

C&H Sugar Company, Inc. and Crockett Community Services District

By: DALE McDONALD Title GENERAL MANAGER
Printed or typed name CROCKETT CSD

 Date 12/19/19
Signature

Note: Please return the signed Acceptance and Waiver with Exhibit A, together

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____ Date _____
Michael Montgomery
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

EXHIBIT A-Notice of Violation

Dischargers: C&H Sugar Company, Inc. and Crockett Community Services District
 C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community Services District
 Philip F. Meads Water Treatment Plant, 830 Loring Avenue, Crockett, Contra Costa County
 NPDES Permit CA0005240

The following table lists the alleged violations for which the Dischargers are subject to civil liabilities pursuant to Water Code section 13385. The table lists the mandatory minimum penalty (MMP) that applies.

Table 1. List of Alleged Violations

CIWQS Violation ID No.	Violation Date	Parameter (unit)	Group	Effluent Limitation	Reported Value	Percent Exceedance^[1]	Violation Type	MMP^[2]
1057041	2/6/2019	Cyanide, Maximum Daily (µg/L)	2	43	110	156	C1, S	\$3,000
1057040	2/28/2019	Cyanide, Monthly Average (µg/L)	2	19	57.8	204	C2, S	\$3,000
1062374	7/10/2019	Copper, Daily Maximum (µg/L)	2	120	310	158	C3, S	\$3,000
1062375	7/31/2019	Copper, Monthly Average (µg/L)	2	54	310	474	>C3, S	\$3,000

Total Penalty: \$12,000

Legend:

CIWQS = California Integrated Water Quality System database that the Water Boards use to track violations and enforcement.

Violation ID = Identification number assigned to each permit violation within CIWQS.

C = Count – Number of violations within past 180 days, including this violation. A penalty applies under Water Code section 13385(i) when the count is greater than three (> C3).

S = Serious. A penalty applies under Water Code section 13385(h) whenever an effluent limitation is exceeded by 40 percent or more for a Group 1 pollutant or 20 percent or more for a Group 2 pollutant.

Footnotes:

[1] Percent that a discharger's reported value exceeds the effluent limitation for a Group 2 pollutant.

[2] The MMP required under Water Code section 13385(h).

CIWQS Place ID: 212212
WDID: 2 071006001