

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

In the Matter of:

**City of Colfax
City of Colfax Wastewater Treatment
Plant
Nevada County**

ORDER R5-2024-0514

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

I. 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 City of Colfax (Discharger) (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 California Water Code section 13323 and Government Code section 11415.60.

II. Recitals

2. The Discharger owns and operates the City of Colfax Wastewater Treatment Plant (Facility) a wastewater collection, treatment, and disposal system, which provides sewerage service to the City of Colfax. Treated municipal wastewater is discharged to an unnamed tributary of Smuthers Ravine, which is tributary to Bunch Creek, which flows into the North Fork American River.
3. In order to regulate discharges from the Facility, on 30 May 2013, the Board adopted Waste Discharge Requirements (WDRs) Order R5-2013-0045 (NPDES CA0079529). WDRs Order R5-2013-0045 became effective on 19 July 2013 and expired on 31 May 2018. Waste Discharge Requirements R5-2018-0012 was adopted on 5 April 2018, became effective on 1 June 2018, and expired on 31 October 2023. On 22 June 2023, the Central Valley Water Board adopted General Order for Municipal Wastewater Dischargers That Meet Objectives/Criteria at the Point of Discharge to Surface Water Order (General Order) R5-2023-0025. The Facility's discharge was assigned Municipal General Order enrollee number R5-2023-0025-001 and National Pollutant Discharge Elimination System (NPDES) Permit CAG585001 on 17 October 2023. Notice of Applicability (NOA) number R5-2023-0025-001 became effective 1 November 2023.
4. WDRs Order R5-2013-0045, Section IV.A.1.f, includes the following effluent limitations at Discharge Point 001:

f. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
 - ii. 23 MPN/100 mL, more than once in any 30-day period; and
 - iii. 240 MPN/100 mL, at any time.
5. WDRs Order R5-2018-0012, Section IV.A.1, includes, in part, the following effluent limitations at Discharge Point 001:

Table 4. Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Ammonia	mg/L	0.7	1.5	--

c. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
 - ii. 23 MPN/100 mL, more than once in any 30-day period;
 - iii. and 240 MPN/100 mL, at any time.
6. Notice of Applicability number R5-2023-0025-001, Section V.A.3, includes the following effluent limitations at Discharge Point 001:

3. Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- iv. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
 - v. 23 MPN/100 mL, more than once in any 30-day period; and
 - vi. 240 MPN/100 mL, at any time.
7. On 11 April 2024, Central Valley Water Board staff issued the Discharger a Notice of Violation (NOV) and draft Record of Violations (ROV) for effluent limitation violations which occurred from 1 July 2016 through 31 January 2024. The Discharger responded on 25 April 2024 to the ROV and agreed with the violations.
8. This Order assesses an administrative civil liability (ACL) for effluent limitation violations that occurred between 1 July 2016 through 31 January 2024. These violations are specifically identified in Attachment A to this Order as subject to mandatory minimum penalties (MMPs). Attachment A to this Order is attached hereto and incorporated herein by this reference.
9. Water Code section 13385, subdivisions (h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385, subdivision (h)(1) states:

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

Water Code section 13385, subdivision (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.

Water Code section 13385, subdivision (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.

10. According to the Discharger’s self-monitoring reports, the Discharger committed three (3) serious Group 1 violations and eighteen (18) non-serious violations of the above effluent limitations contained in WDRs Orders R5-2013-0045, R5-2018-0012, and R5-2023-0025-001 as shown in Attachment A. The three (3) serious Group I violations are subject to MMPs under Water Code section 13385, subdivision (h) because measured concentrations of Group I constituents exceeded maximum prescribed levels in WDRs R5-2018-0012 by 40 percent or more. Nine (9) of the 18 non-serious violations are subject to MMPs under Water Code Section 13385, subdivision (i)(1) because these violations were preceded by three or more effluent limit violations within a 180-day period.

11. The total amount of the MMPs assessed for the alleged effluent violations is **thirty-six thousand dollars (\$36,000)**. As stated herein, a detailed list of the alleged effluent limitation violations is included in Attachment A. This Order addresses an ACL for violations that are specifically identified in Attachment A as subject to MMPs.

12. Water Code section 13385, subdivision (k) states:

(1) 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.

(2) 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 20,000 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.

13. Under the State Water Resources Control Board’s Water Quality Enforcement Policy (Enforcement Policy), a publicly owned treatment work (POTW) serving a small community is a POTW serving a community that has a financial hardship and has a population of 10,000 or fewer people or lies completely within one or more rural counties. Following adoption of the Enforcement Policy, Water Code section 13385, subdivision (k)(2) was amended to raise the population threshold to 20,000 or fewer people.

14. Under the Enforcement Policy, “financial hardship” means that the community served by the POTW meets one of the following criteria:

- a. Median household income for the community is less than 80 percent of the California median household income;
- b. The community has an unemployment rate of 10 percent or greater; or
- c. Twenty percent of the population is below the poverty level.

15. The Central Valley Water Board finds the Discharger is eligible for a Compliance Project because the Facility is a publicly owned treatment works serving a small community with a financial hardship - it is located in Placer County and serves a population of 1,995 with a median household income (MHI) of \$69,844, which is 76% of the statewide MHI, according to the U.S. Census Bureau, Quick Facts, 2018-2022.

16. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative 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 Water Code section 13323 and Government Code section 11415.60. To resolve the violations by consent and without further administrative proceedings, the Parties have agreed to the imposition of an ACL in the amount of **thirty-six thousand dollars (\$36,000)** in MMPs against the Discharger.
17. 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.

III. Stipulations

The Parties stipulate to the following:

18. **Jurisdiction:** The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.
19. **Administrative Civil Liability:**
- a. The Discharger hereby agrees to the imposition of an ACL in the amount of **thirty-six thousand dollars (\$36,000)** by the Central Valley Water Board to resolve the violations specifically alleged in Attachment A to this Order.
 - b. In lieu of assessing all the **thirty-six thousand dollars (\$36,000)**, the Parties agree that the Discharger shall spend an equivalent amount towards the completion of a Compliance Project and the ACL shall be suspended (Suspended Liability) if the Discharger complies with the time schedule and requirements for the Compliance Project as detailed herein and in Attachment B of this Order. Attachment B to this Order is attached hereto and incorporated herein by this reference.
20. **Description of the Compliance Project:** The Compliance Project consists of wastewater treatment plant modification tasks to improve effluent water quality and minimize violations associated with treated effluent discharge. The Discharger proposes to install an ammonia monitoring system at the ultraviolet (UV) system influent and upgrade the Facility's diversion system. Each of the new features added will be controlled by the Facility's supervisory control and data acquisition (SCADA) system. The addition of an ammonia monitoring system will allow the Discharger to divert effluent to a pond for re-treatment when ammonia concentrations in the effluent of the secondary treatment system approach the WDRs effluent limitations for ammonia, significantly reducing the likelihood of future ammonia effluent

violations. The SCADA upgrades will improve the water quality that reaches the UV disinfection system and allow for improved response to UV transmittance and dosage issues, which can lead to poor disinfection. The SCADA upgrades will reduce the likelihood of future total coliform effluent violations.

Additional information regarding the Compliance Project is found in Attachment B.

21. Representations and Agreements of the Discharger to Implement and Complete, Report, and Guarantee Implementation of the Compliance Project:

The Discharger understands that its promise to implement the Compliance Project, in its entirety and in accordance with the schedule for implementation, is a material condition of this settlement of liability between the Discharger and the Central Valley Water Board Prosecution Team. As a material consideration for the Central Valley Water Board's acceptance of this Stipulated Order, the Discharger represents and agrees that, in accordance with Water Code section 13385, subdivision (k)(1):

- 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.
 - i. The Discharger will implement and complete the Compliance Project as described in Attachment B to this Order;
 - ii. The Discharger will provide certifications and written reports to the Central Valley Water Board contact consistent with the terms of this Stipulated Order;
 - iii. The Discharger will guarantee implementation of the Compliance Project identified in Attachment B to this Order by remaining liable for the ACL of **thirty-six thousand dollars (\$36,000)** until the Compliance Project is completed and accepted by the Central Valley Water Board in accordance with the terms of this Stipulated Order;
 - iv. As described in Attachment B, the Compliance Project is expected to cost more than the ACL of **thirty-six thousand dollars (\$36,000)**. The Discharger is required to implement and complete the Compliance Project regardless of whether it costs more than the ACL. Should the final Compliance Project costs exceed the ACL, only **thirty-six thousand dollars (\$36,000)** will be suspended in accordance with the terms of this Stipulated Order. Unless otherwise mutually agreed upon by the Parties in a subsequent order, additional costs incurred above the ACL to implement and complete the Compliance Project will not be credited to or applied to liabilities for any effluent limitation violations that occur after 31 January 2024.
 - v. The Discharger agrees that the Central Valley Water Board has the right to require a third-party audit of the funds expended by it to implement the Compliance Project; and

- vi. The Discharger shall permit inspection of the Compliance Project by Central Valley Water Board staff during normal business hours, at any location where the Compliance Project is being implemented, as well as review of any documents associated with implementation of the Compliance Project, at any time without notice.
- c. The Discharger has prepared a financing plan to complete the Compliance Project.

22. Extension of the Implementation Schedule Deadlines: If the Discharger cannot meet any of the deadlines or the Completion Deadline contained in Attachment B to this Order due to circumstances beyond the Discharger's anticipation or control, the Discharger shall notify the Executive Officer in writing within thirty (30) days of the date the Discharger first knew of the event or circumstance that caused or could cause a violation of this Order. The notice shall describe the reason for the nonperformance and specifically refer to this Paragraph. The notice shall describe the anticipated length of time the delay may persist, the cause or causes of the delay, the measures taken or to be taken by the Discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Discharger shall adopt all reasonable measures to avoid and minimize such delays. The determination as to whether the circumstances were beyond the reasonable control of the Discharger and its agents will be made by the Executive Officer. Where the Executive Officer concurs that compliance was or is impossible, despite the timely good faith efforts of the Discharger, due to circumstances beyond the control of the Discharger that could not have been reasonably foreseen and prevented by the exercise of reasonable diligence by the Discharger, a new compliance deadline shall be established, and this Order will be revised accordingly. The Executive Officer will endeavor to grant a reasonable extension of time if warranted.

23. Compliance Project Oversight: The Discharger will oversee implementation of the Compliance Project. The Central Valley Water Board will provide additional oversight. The Discharger is solely responsible for paying all reasonable oversight costs incurred by the Central Valley Water Board to oversee the Compliance Project. The Compliance Project oversight costs are in addition to the ACL imposed against the Discharger and are not credited towards the Discharger's obligation to implement and complete the Compliance Project. Reasonable oversight tasks to be performed by the Central Valley Water Board include but are not limited to, reviewing and evaluating progress, reviewing the final report, and verifying completion of the Compliance Project.

24. Third Party Financial Audit of Compliance Project: At the written request of the Central Valley Water Board, the Discharger, at its sole cost, shall submit a report prepared by an independent third party(ies) acceptable to the Central Valley Water Board providing such party's(ies') professional opinion that the Discharger has expended money in the amounts claimed by the Discharger. The written request shall specify the reasons why the audit is being requested. The audit report shall be

provided to the Central Valley Water Board within three (3) months of notice from the Central Valley Water Board to the Discharger of the need for an independent third-party audit. The audit need not address any costs incurred by the Central Valley Water Board for oversight.

- 25. Failure to Expend the Entire Suspended Liability on the Approved Compliance Project:** In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Central Valley Water Board that the entire Suspended Liability has been spent for the completed Compliance Project, the Discharger shall pay an ACL of the difference between the Suspended Liability and the amount the Discharger can demonstrate was actually spent on the Compliance Project. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this amount within 30 days of receipt of notice of the Central Valley Water Board's determination that the Discharger failed to demonstrate that the entire Suspended Liability was spent to complete the Compliance Project.
- 26. Failure to Complete the Compliance Project:** Except as provided for in Paragraph 22, if the Compliance Project as described in Attachment B to this Order is determined to be infeasible, or if the Discharger fails to complete the Compliance Project by the deadline contained in Attachment B to this Order, the Central Valley Water Board shall issue an invoice to the Discharger in the amount of **thirty-six thousand dollars (\$36,000)**, plus any Compliance Project oversight costs incurred. The Discharger shall be liable to pay the State Water Pollution Cleanup and Abatement Account this suspended liability within 30 days of receipt of the invoice.
- 27. Certification of Completion of the Compliance Project:** On or before **31 December 2025**, the Discharger shall provide a certified statement of completion of the Compliance Project (Certification of Completion). The Certification of Completion shall be submitted by a responsible official under penalty of perjury under the law of the state of California, to the Central Valley Water Board contact identified in Paragraph 31. The Certification of Completion shall include the 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 Discharger.
 - b. Certification documenting the expenditures by the Discharger during the completion period for the Compliance Project. Expenditures may include but are not limited to, payments to outside vendors or contractors implementing the Compliance Project. The Discharger shall provide any additional information requested by Central Valley Water Board staff that is reasonably necessary to verify Compliance Project expenditures.

- c. Certification that the Discharger 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.

28. Completion of the Compliance Project to the Central Valley Water Board's

Satisfaction: Upon the Discharger's satisfaction of its Compliance Project obligations under this Stipulated Order, and any audit requested by the Central Valley Water Board, Central Valley Water Board staff shall send the Discharger a letter recognizing satisfactory completion of its obligations under the Compliance Project. Receipt of this letter shall terminate any further Compliance Project obligations of the Discharger and result in the dismissal of the Suspended Liability.

- 29. Publicity:** Whenever the Discharger or its agents or subcontractors publicizes one or more elements of the Compliance Project, it shall state in a prominent manner that the Compliance Project is being undertaken as part of the settlement of an enforcement action by the Central Valley Water Board against the Discharger.

- 30. Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an ACL 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 additional violations of the type alleged may subject it to further enforcement, including additional ACLs. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

31. Party Contacts for Communications Related to Stipulated Order:

For the Central Valley Water Board:
Xuan Luo, Ph.D., P.E.
Senior Water Resources Control Engineer
NPDES/Forest Activities Compliance and Enforcement
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4606
Xuan.Luo@waterboards.ca.gov

For the Discharger:
Ron Walker, City Manager
City of Colfax
317 Broad St.
Colfax, CA 95959
(530) 346-2313
city.manager@colfax-ca.gov

32. **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.
33. **Public Notice:** The Discharger understands that this Stipulated Order will 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 Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
34. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this 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.
35. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or 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 this Stipulated Order. The failure of the Prosecution Team or 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. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including without limitation the issuance of ACL complaints or orders for violations other than those addressed by this Order.
36. **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 Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
37. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
38. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing and approved by the Central Valley Water Board or its delegee.

39. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.
40. **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, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess an ACL for the underlying alleged violations, or may continue to pursue settlement. 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 any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:
- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they 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, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or
 - b. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.
41. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and hereby waives its right to a hearing before the Central Valley Water Board.
42. **Waiver of Right to Petition:** The Discharger hereby waives the 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 the rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
43. **Covenant Not to Sue:** Upon the effective date of this Stipulated Order, Discharger shall and does release, discharge, and covenant not to sue or pursue any civil or administrative claims against any State Agency or the State of California, its officers, agents, directors, employees, attorneys, representatives, for any and all claims or cause of action, which arise out of or are related to this action.

44. **Water Boards 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 the negligent or intentional acts or omissions by the Discharger or its respective directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order, nor shall the Central Valley Water Board, its members, staff, attorneys, or representatives be held as parties to or guarantors of any contract entered into by the Discharger, or its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Order.
45. **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 Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
46. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
47. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation 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.
48. **Severability:** This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
49. **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.
50. **Counterpart Signatures:** This 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.

Stipulated Administrative Civil Liability Order R5-2024-0514
City of Colfax

IT IS SO STIPULATED.

California Regional Water Quality Control Board Prosecution Team
Central Valley Region

By: Original Signed By
John J. Baum
Assistant Executive Officer

9/5/2024
Date _____

City of Colfax

By: Original Signed By
Ron Walker
City Manager

9/26/2024
Date _____

HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

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

Patrick Pulupa
Executive Officer
Central Valley Regional Water Quality Control Board

Date

Attachment A: Record of Violations
Attachment B: Compliance Project Description

**City of Colfax
 Colfax Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 July 2016 – 31 January 2024) MANDATORY PENALTIES

(Data reported under Monitoring and Reporting Programs R5-2013-0045, R5-2018-0012, and R5-2023-0025-001)

The following table lists the alleged violations subject to mandatory minimum penalties (MMPs), pursuant to Water Code section 13385(h) and (i).

Table A. Violations **Subject to Mandatory Penalties**

#	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS
*	1/14/2016	Total Coliform	MPN/100 mL	240	1600	At any time	OEV	CHRON	1005050
1	7/29/2016	Total Coliform	MPN/100 mL	2.2	3	7-Day Median	OEV	NCHRON	1017802
2	8/1/2016	Total Coliform	MPN/100 mL	2.2	3	7-Day Median	OEV	NCHRON	1017803
3	7/11/2018	Total Coliform	MPN/100 mL	240	1600	At any time	OEV	NCHRON	1048082
4	11/14/2019	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	OEV	NCHRON	1068607
5	11/18/2019	Total Coliform	MPN/100 mL	2.2	3	7-Day Median	OEV	NCHRON	1068608

Stipulated Administrative Civil Liability Order R5-2024-0514
 Attachment A
 City of Colfax

#	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS
6	8/13/2022	Ammonia	mg/L	1.5	5.9	Weekly Average	CAT 1	SIG	1108764
7	8/27/2022	Ammonia	mg/L	1.5	2.4	Weekly Average	CAT 1	SIG	1116407
8	8/31/2022	Ammonia	mg/L	0.7	0.96	Monthly Average	CAT 1	NCHRON	1108765
9	6/1/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	NCHRON	1119431
10	6/5/2023	Total Coliform	MPN/100 mL	2.2	3.2	7-Day Median	OEV	NCHRON	1119432
11	6/7/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	NCHRON	1119434
12	7/31/2023	Total Coliform	MPN/100 mL	2.2	3.2	7-Day Median	OEV	CHRON	1119736
13	8/2/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	CHRON	1120814
14	8/3/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	CHRON	1120815
15	8/31/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	CHRON	1120813

Stipulated Administrative Civil Liability Order R5-2024-0514
 Attachment A
 City of Colfax

#	Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS
16	8/31/2023	Total Coliform	MPN/100 mL	240	350	Instantaneous Maximum	OEV	CHRON	1120816
17	10/11/2023	Ammonia	mg/L	1.5	2.0	Average Weekly	CAT 1	CHRON	1125263
18	10/18/2023	Ammonia	mg/L	1.5	1.8	Average Weekly	CAT 1	CHRON	1125264
19	10/31/2023	Ammonia	mg/L	0.7	1.0	Average Monthly	CAT 1	SIG	1125265
20	11/16/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	CHRON	1123024
21	11/20/2023	Total Coliform	MPN/100 mL	2.2	4.5	7-Day Median	OEV	CHRON	1123025

Table A, Item *: Supporting violations addressed in ACLC R5-2016-0562

VIOLATIONS SUMMARY

VIOLATIONS AS OF: 31 January 2024

Non-serious Violations Not Subject to MMPs: 9

Group I Serious Violations: 3

Group II Serious Violations: 0

Non-Serious Violations Subject to MMPs: 9

Total Violations Subject to MMPs: 12

Mandatory Minimum Penalty Amount for Effluent Limit Violation(s)

3 Serious Violations x \$3,000 Violation = \$9,000

9 Non-Serious Violation subject to MMP x \$3,000 per Violation = \$27,000

Total ACL Amount = \$36,000

Table B Definitions

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CAT 2	Violation of effluent limitation for Group II pollutant
CHRON	Chronic violation as defined by Water Code section 13385 (i). Any non-serious violation that falls within a 180-day period with three preceding violations. Thus, the fourth non-serious violation that occurs within a 180-day period is subject to MMPs.
CIWQS	California Integrated Water Quality System (https://www.waterboards.ca.gov/water_issues/programs/ciwqs/)
CTOX	Violation of chronic toxicity effluent limitation.
DREP	Deficient reporting violation. This will only result in MMPs if the report is so deficient as to make determination of compliance impossible for the reporting period.
LREP	Late Reporting violation. Every 30-Days a report is late counts as one serious late reporting violation subject to MMPs.
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.

Stipulated Administrative Civil Liability Order R5-2024-0514

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City of Colfax

Abbreviation	Description
Occurrence Date	Date that a violation occurred. For averaging period limitation violations, such as weekly and monthly averages, the last day of the reporting period is used such as last day of the week (Saturday) and last day of the month, respectively.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more. For Group II pollutants that exceed the effluent limitation by 20 percent or more.

Compliance Project Description

1. **Project Title:** In Line Ammonia Monitoring and SCADA Integration
2. **Service Area:** City of Colfax
3. **Name of Responsible Entity:** City of Colfax
4. **Contact Information:**

Devon Morris, Chief Plant Operator
City of Colfax
P.O. Box 702
Colfax, CA 95713
devon.morris@colfax-ca.gov

5. **Project Goals and Description:**

Task 1 – Ammonia Monitoring – Installation of an ammonia sensor at the UV channel influent, with control integrated into the SCADA program for continuous monitoring of ammonia prior to application of the UV disinfection. The addition of an ammonia monitoring system will allow the Discharger to divert effluent to a pond for re-treatment when ammonia concentrations in the effluent of the secondary treatment system approach the WDRs effluent limitations for ammonia, significantly reducing the likelihood of future ammonia effluent violations.

Task 2 – Diversion System Upgrade– Tie the Facility’s diversion system into the new SCADA system and adding functionality to control diversion in case of dosage issues, turbidity issues, pH issues, blower failure, or pump station failure.

6. **Estimated Cost of Project Completion:**

The cost of implementation of Task 1 and Task 2 is estimated to be \$50,908.

Individual task cost estimates are provided in Table 1.

Table 1. Estimated Costs: Compliance Project Components

Compliance Project Component	Estimated Cost (\$)
Task 1 – Ammonia Monitoring	\$22,908
Ammonia equipment procurement	\$19,612
Equipment installation	\$3,296
Task 2 – Diversion System Upgrade	\$28,000
Conduit and hardware installation	\$10,000

Compliance Project Component	Estimated Cost (\$)
SCADA programming and controls	\$18,000
Total Estimated Project Cost:	\$50,908

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

This project is expected to improve the Facility's tertiary treatment process and diversion capabilities, resulting in water quality improvements to the unnamed tributary of Smuthers Ravine.

8. Project Schedule and Deliverables:

- a. **Completion Date.** The Discharger shall complete all compliance project components by **31 July 2025**.
- b. **Final Report.** The Discharger shall submit a final report which will include a summary of all completed tasks, a project success analysis, and a post-project accounting of all expenditures. The accounting will clearly show whether the final cost of the completed compliance project is less than, equal to, or more than the suspended ACL liability amount of \$36,000. This report will be completed under penalty of perjury. The final report shall be submitted by **31 December 2025**.