

Lahontan Regional Water Quality Control Board

November 8, 2019

INTERESTED PERSONS

PUBLIC NOTICE OF PROPOSED SETTLEMENT WITH THE CITY OF VICTORVILLE FOR ALLEGED VIOLATIONS RELATED TO MULTIPLE SEWER SYSTEM OVERFLOWS, SAN BERNARDINO COUNTY

WRITTEN COMMENTS DUE NO LATER THAN 5:00 P.M., DECEMBER 9, 2019

The California Regional Water Quality Control Board, Lahontan Region (Water Board) will consider approval of a tentative settlement with the City of Victorville (City) to resolve violations alleged by the Water Board Prosecution Team and described in the enclosed Settlement Agreement and Stipulation for Entry of Order (Order). The Water Board Prosecution Team considered and followed the methodology set forth in the State Water Resources Control Board's (State Water Board) Water Quality Enforcement Policy, effective May 20, 2010, to establish a proposed civil liability in the amount of \$1,500,000 for nine (9) City sewer system overflows that occurred between March 5, 2014 and June 13, 2017. The City allegedly violated the following as a result of the sewer system overflows.

1. State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Permit), that prohibits the discharge of untreated or partially-treated wastewater to waters of the United States.
2. The Water Quality Control Plan for the Lahontan Region (Basin Plan) that prohibits the discharge of untreated sewage, garbage, or other solid wastes into surface waters of the Region.

Each of the nine (9) sewer system overflows resulted in the discharge of untreated sewage/wastewater to surface waters of the United States in the Upper Mojave Hydrologic Area in Victorville, California, which is located within the Lahontan Region.

On July 1, 2016, the Water Board Prosecution Team issued Administrative Civil Liability Complaint No. R6V-2016-0042 to the City addressing the first six (6) of the nine (9) sewer system overflows referenced, above. The Water Board Prosecution Team and City subsequently entered into settlement negotiations, during which three additional sewer system overflows occurred. Resolving the violations associated with the three

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

additional sewer system overflows were incorporated into the settlement proceedings. After further investigation, the City has also provided additional information regarding the nine (9) sewer system overflows and its sewer collection system planning, operations, and maintenance programs.

The Water Board Prosecution Team and the City have entered into a tentative settlement for these alleged violations and have agreed to jointly seek the Water Board's approval of the enclosed Settlement Agreement and Stipulation for Entry of Order (Order). The proposed Order and related documents are available at the Water Board's website: <http://www.waterboards.ca.gov/lahontan/>.

The proposed Order imposes a total liability of \$1,500,000 and requires the City to submit a single payment of \$750,000 to the State Water Resources Control Board Cleanup and Abatement Account no later than 30 days following the Water Board executing the proposed Order. The proposed Order suspends the remaining \$750,000 liability upon the City successfully completing the Supplemental Environmental Project (SEP) described, below.

The State Water Resources Control Board Cleanup and Abatement Account (CAA) was created by Water Code sections 13440-13443 to provide grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. Eligible entities that can apply for this funding include public agencies, as well as certain not-for-profit organizations and tribal governments that serve a disadvantaged community and that have the authority to clean up or abate the effects of a waste. The Water Board has obtained funding from the CAA for numerous efforts including: 1) providing bottled water to private well owners in the Barstow area with perchlorate-contaminated water, 2) conducting groundwater investigations where private wells were impacted with solvents and where no obvious source or responsible party was identified, and 3) conducting treatment of acid mine drainage at the Leviathan Mine Superfund site in Alpine County.

The City's proposed SEP involves connecting 33 residential and commercial properties currently relying upon onsite wastewater disposal systems (i.e., septic systems) to the City sewer system. The SEP project area includes a significant portion of "Old Town" Victorville that is located near the Mojave River and in an area with relatively high groundwater conditions. Connecting these properties to the City sewer system will help reduce the pollutant (e.g., pathogens, nutrients) discharges from the existing septic systems to the groundwater, improving groundwater quality. The connection fees and construction costs to connect to the City's sewer system have proven cost-prohibitive for several occupants in the project area, identified as disadvantaged by the California Environmental Protection Agency's CalEnviroScreen System (<https://oehha.ca.gov/calenviroscreen/sb535>). The SEP will result in a significant number of these residents connecting to the City sewer system. Upon its approval, the City is planning to complete the SEP in approximately 20 months (late November 2021).

Persons may comment on the proposed Order by submitting written comments so that they are received no later than **5:00 p.m. on December 9, 2019**. Written comments

should include "City of Victorville Settlement Agreement" in the subject line, and be submitted by email to: RB6enfproceed@waterboards.ca.gov.
For those that do not have access to email, submit your written comments to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Attn: Scott Ferguson

Include "City of Victorville Settlement Agreement" in the subject line.

The Water Board is scheduled to consider the proposed Order for adoption at its March 11-12, 2020 Board meeting, tentatively to be held in Barstow, California. An agenda will be posted on the Water Board's web site (www.waterboards.ca.gov/lahontan) at least 10 days prior to the meeting, identifying the meeting location and approximate time.

The Water Board has the options of approving the proposed Order, requesting the Water Board Prosecution Team and City to modify the proposed Order, or rejecting the proposed Order. Please check the Water Board's website for any updates on this matter.

A handwritten signature in blue ink, appearing to read "Scott C. Ferguson".

Scott C. Ferguson, P.E.
Supervising Water Resource Control Engineer

Enclosure