City of Biggs

Agenda Item Staff Report
For the Regular City Council Meeting:
October 8, 2013

TO: Honorable Mayor and Members of the City Council

FROM: City Administrator

SUBJECT: Consideration of Administrative Civil Liability Complaint

Council is asked to consider the item and direct staff.

Background

On September 10th the City received the attached ACL (Administrative Civil Liability) Complaint from the Central Valley Regional Water Quality Control Board (CVRWQCB). The ACL was expected, and there is likely to be great benefit to the City to address the disposition of the ACL at this time.

The complaint charges the City of Biggs with administrative civil liability in the amount of $462,000 as a result of waste water effluent discharge violations from January 2009 through September 2012. The civil liability complaint process and the fine amounts are defined and driven by Law. Page 9 of the PDF outlines the City's 3 options on how to respond to this matter. In short, the three options are:

1) Agree with the findings; send $462,000 to the state.
2) Waive the 90-day hearing requirement so that the City can negotiate a settlement.
3) Waive the 90-day hearing requirement so the City has time to ready for hearing.

From the Council direction that we have heard to date, we believe that Council was clearly contemplating Option 2. This would allow staff to endeavor to negotiate a "Spend in lieu" arrangement with the goal of applying the $462,000 toward the corrective actions (EG: toward the Phase 1 and Phase 2 projects). Staff sees great benefit in resolving this matter as soon as practical, and provided the attached response to the CVRWQCB which includes requests that the Phase 1 and Phase 2 waste water projects be considered as compliance projects, and rather than pay mandatory minimum penalties request that the city be allowed to apply those funds to pay for a portion of the design and construction of the waste water projects

Recommendation:
Consider the item and direct staff.

_____
Mark Sorensen, City Administrator

CITY OF BIGGS

465 C STREET
P.O. BOX 307
BIGGS, CALIFORNIA 95917
TELEPHONE (530) 868-5493
WWW.BIGGS-CA.GOV

September 19, 2013

Mr. Daniel L. Warner
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, CA 96002

SUBJECT: Administrative Civil Liability Complaint No. R5-20130577

Dear Mr. Warner,

We are in receipt of the Administrative Civil Liability (ACL) complaint. The City is aware of the violations due to the ammonia requirements for wastewater discharge. In response to Time Schedule Order number R5-2012-0084 the City has been working with a consultant and with the RWQCB to develop a solution to the high ammonia concentrations. We are in the process of preparing construction plans and specifications to convert the wastewater treatment plant to a land disposal facility and eliminate the NPDES permit. This involves upgrades to the existing facilities, the purchase of adjacent land, and construction of on-site disposal facilities. Due to the timeline with the land purchase and the environmental document, the City is completing this project in two phases. Phase 1 will upgrade existing facilities (for which the environmental document has been certified) and is scheduled for construction in 2014. Phase 2 is underway; the land purchase negotiations and the environmental document are in process. We anticipate constructing Phase 2 in 2015.

The City requests that Phase I and Phase 2 of the treatment plant conversion project be considered a compliance project. Rather than pay mandatory minimum penalties, the City desires to use those funds to pay for a portion of the design and construction of the wastewater treatment plant conversion project. Attached is the Waiver Form for which the City has selected Option 2. The City waives the right to a hearing before the Central Valley Water Board within 90 days. The City wishes to promptly engage in settlement discussions with the Central Valley Water Board Prosecution Team.

Sincerely,

Mark Sorensen
City Administrator

Attachment: Waiver Form

WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Biggs (Discharger) in connection with Administrative Civil Liability Complaint **R5-2013-0577** (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

☐ ***(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)***

a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.

b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **four hundred and sixty two thousand dollars ($462,000)** by check that references "ACL Complaint **R5-2013-0577**" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **7 October 2013.**

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☒ ***(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)*** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☐ ***(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)*** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

MARK SORENSEN
CITY ADMINISTRATOR
(Print Name and Title)

(Signature)

SEP 19, 2013
(Date)

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

6 September 2013

CERTIFIED MAIL
7009 2250 0002 9885 2678

Peter Carr
City of Biggs
P.O. Box 307
Biggs, CA 95917

WDID No. 5A04010001

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2013-0577 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF BIGGS, CITY OF BIGGS WASTEWATER TREATMENT PLANT, BUTTE COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order No. R5-2007-0032 by the City of Biggs. The Complaint charges the City of Biggs with administrative civil liability in the amount of **four hundred and sixty two thousand dollars ($462,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent violations from 1 January 2009 through 30 September 2012.

Pursuant to California Water Code section 13323, the City of Biggs may either pay the proposed administrative civil liability and waive its right to a hearing before the Regional Water Board, or may contest the Complaint and exercise its right to a hearing. The City of Biggs has the right to a hearing before the Regional Water Board within 90 days of the service of the Complaint. If the City of Biggs chooses to waive this right and settle the Complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it to this office by 7 **October 2013**. The Complaint will be considered settled pending a 30-day period, tolled from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Daniel L. Warner.

If the Regional Water Board does not receive a waiver and payment for the full amount by **7 October 2013**, then a hearing will be scheduled for the **5/6 December 2013** Central Valley Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

RECEIVED VIA US MAIL
09/10/2013

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Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Daniel L. Warner, so that they are received no later than **5 p.m. on 7 October 2013**. This includes material submitted by the City of Biggs to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 7 October 2013** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Daniel L. Warner at (530) 224-4848, or George D. Day at (530) 224-4859.

Clint E. Snyder, P.G.
Assistant Executive Officer

DLW:lmw

Enclosures: Administrative Civil Liability Complaint No. R5-2013-0577

cc w/o encl: Regional Board Members
Ken Greenburg, U.S. Environmental Protection Agency, Region IX, San Francisco
U.S. Army Corps of Engineers, Sacramento
California Environmental Protection Agency, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
Butte County, Dept. of Resource Management, Environmental Health Division, Oroville
David Coupe, Staff Counsel, State Water Resources Control Board, Sacramento
James Ralph, Staff Counsel, State Water Resources Control Board, Sacramento

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2013-0577

MANDATORY PENALTY
IN THE MATTER OF

CITY OF BIGGS
WASTEWATER TREATMENT PLANT
BUTTE COUNTY

WDID NO. 5A040100001

This Administrative Civil Liability Complaint (Complaint) is issued to the City of Biggs (Discharger), Wastewater Treatment Plant pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order No. R5-2007-0032 (NPDES No. CA0078930).

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates the City of Biggs Wastewater Treatment Plant. Treated wastewater is discharged from, Discharge Point D-001 to the Lateral K (agricultural drain – Reclamation District #833). Lateral K was constructed to convey excess agricultural flows away from fields. Lateral K flows into the Cherokee Canal and ultimately may flow to Butte Creek near Butte Sink Wetland. Butte Creek is a water of the United States.

2. On 3 May 2007, effective 22 June 2007, the Central Valley Water Board issued WDRs Order R5-2007-0032, which contained new requirements and rescinded WDRs Orders 5-00-255, except for enforcement purposes.

3. This Complaint addresses administrative civil liability for effluent violations that occurred during the period from 1 January 2009 through 30 September 2012. These violations are specifically identified in Attachment A to this Complaint as subject to mandatory minimum penalties. Attachment A to this Complaint hereto and incorporated herein by this reference.

4. On 20 May 2011, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations for effluent violations from 1 January 2009 through 28 February 2011.

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

Water Code section 13385(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 (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(i)(1) states

> Notwithstanding any other provisions 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 requirements 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 California Water Code section 13260;
> c) files an incomplete report pursuant to California Water Code section 13260; or
> d) violates a toxicity effluent limitation contained in the applicable waste discharge pollutant-specific effluent limitations for toxic pollutants.

6. Water Code section 13323 states, in part:

> Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

7. WDR's Order No. R5-2007-0032 Final Effluent Limitations IV.A. states, in part:

> 1. Final Effluent Limitations – Discharge Point 001
>
> a. Effective immediately, the discharge if treated wastewater shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location M-001 as described in the attached Monitoring and Reporting Program (Attachment E):

Table 3. Effluent Limitations

Parameter	Units	Effluent Limitation				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia, Total (as N)	mg/L	2.72	--	7.44	--	--

[1] Based on a design treatment capacity of 0.38 mgd.

2. Interim Effluent Limitations

Effective immediately and ending on December 31, 2008 or upon permit reopener the discharge of treated effluent shall maintain compliance with the following interim effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location Monitoring Location M-001as described in the attached Monitoring and Reporting Program (Attachment E). These interim effluent limitations shall apply in lieu of the corresponding final effluent limitations specified for the same parameters during the time period indicated in this provision.

Table 4. Interim Effluent Limitations

Parameter	Units	Effluent Limitation				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Ammonia, Total (as N)	mg/L	27	--	27	--	--

8. According to the Discharger's self-monitoring reports, the Discharger committed ninety (90) non-serious Group I violations of the above effluent limitations contained in WDR Order R5-2007-0032, as shown in Attachment A. These violations are defined as non-serious because measured concentrations of Group I constituents did not exceed the maximum prescribed levels in the WDRs by 20 percent or more. Per 13385(i), the mandatory minimum penalty for these non-serious violations is three thousand dollars ($3,000) per violation, with the exception of a non-serious violation on 13 January 2009. The total mandatory minimum penalty for these non-serious violations is **two hundred and sixty seven thousand dollars ($267,000).**

9. According to the Discharger's self-monitoring reports, the Discharger committed sixty-five (65) serious Group I violations of the above effluent limitations contained in the WDRs Order R5-2007-0032, as shown in Attachment A. These violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels in the WDRs by 40 percent or more. Per 13385(h), the mandatory minimum penalty for these serious violations is three thousand dollars ($3,000) per violation, which equals **one hundred and ninety five thousand dollars ($195,000)**.

10. The total amount of the mandatory penalties assessed for the alleged effluent violations is **four hundred and sixty two thousand dollars ($462,000).** As stated herein, a detailed list of the alleged effluent violations is included in Attachment A. This complaint addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties.

11. Issuance of this Administrative Civil Complaint to enforce Water Code Division 7, Chapter 5.5 is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321 subsection (a) (2).

THE CITY OF BIGGS, CITY OF BIGGS WASTEWATER TREATMENT PLANT 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 of **four hundred and sixty two thousand dollars ($462,000).**

2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled **on 5/6 December 2013**, unless either of the following occurs by **7 October 2013**:

   a) 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 **four hundred and sixty two thousand dollars ($462,000)**; 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 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 returns it to the Board along with a letter describing the issues to be discussed.

3. If a hearing on this matter is conducted, the Central Valley Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. If this matter proceeds to hearing, the Executive Officer reserves the right to amend the proposed amount of civil liability to conform to the evidence presented, including but not limited to, increasing the proposed amount to account for the costs of enforcement (including staff, legal and expert witness costs) incurred after the date of the issuance of this Complaint through completion of the hearing.

(For)
PAMELA C. CREEDON, Executive Officer

August 30, 2013
(date)

Attachment A: Record of Violations

WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Biggs (Discharger) in connection with Administrative Civil Liability Complaint **R5-2013-0577** (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

☐ ***(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)***

a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.

b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **four hundred and sixty two thousand dollars ($462,000)** by check that references "ACL Complaint **R5-2013-0577**" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **7 October 2013.**

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☐ ***(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)*** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☐ ***(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)*** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

_____
(Print Name and Title)

_____
(Signature)

_____
(Date)

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2013-0577

City of Biggs
Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2009 – 30 September 2012) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2007-0032)

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
1/6/2009	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899812	$3,000
1/13/2009	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899813	N/A
1/20/2009	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899814	$3,000
1/27/2009	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899815	$3,000
2/3/2009	001	Ammonia	mg/L	7.44	9.9	33%	Daily Maximum	Non-Serious Group I	899816	$3,000
2/10/2009	001	Ammonia	mg/L	7.44	9	21%	Daily Maximum	Non-Serious Group I	899817	$3,000
2/17/2009	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899818	$3,000
2/24/2009	001	Ammonia	mg/L	7.44	7.8	5%	Daily Maximum	Non-Serious Group I	899819	$3,000
3/31/2009	001	Ammonia	mg/L	2.72	3.48	28%	Monthly Average	Non-Serious Group I	899820	$3,000
4/28/2009	001	Ammonia	mg/L	2.72	5.75	111%	Monthly Average	Serious Group I	899821	$3,000
6/2/2009	001	Ammonia	mg/L	7.44	8.1	9%	Daily Maximum	Non-Serious Group I	899822	$3,000
6/23/2009	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	899823	$3,000
6/30/2009	001	Ammonia	mg/L	7.44	8.8	18%	Daily Maximum	Non-Serious Group I	899845	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
7/7/2009	001	Ammonia	mg/L	7.44	8.4	13%	Daily Maximum	Non-Serious Group I	899847	$3,000
7/21/2009	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899849	$3,000
7/28/2009	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	899850	$3,000
8/4/2009	001	Ammonia	mg/L	7.44	8	8%	Daily Maximum	Non-Serious Group I	899856	$3,000
8/25/2009	001	Ammonia	mg/L	7.44	7.5	1%	Daily Maximum	Non-Serious Group I	899867	$3,000
9/1/2009	001	Ammonia	mg/L	7.44	7.8	5%	Daily Maximum	Non-Serious Group I	899868	$3,000
10/13/2009	001	Ammonia	mg/L	7.44	8.1	9%	Daily Maximum	Non-Serious Group I	899869	$3,000
10/20/2009	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899880	$3,000
10/27/2009	001	Ammonia	mg/L	7.44	9.7	30%	Daily Maximum	Non-Serious Group I	899882	$3,000
11/3/2009	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899883	$3,000
11/10/2009	001	Ammonia	mg/L	7.44	9.7	30%	Daily Maximum	Non-Serious Group I	899884	$3,000
11/17/2009	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899885	$3,000
11/24/2009	001	Ammonia	mg/L	7.44	9.4	26%	Daily Maximum	Non-Serious Group I	899886	$3,000
12/1/2009	001	Ammonia	mg/L	7.44	9.8	32%	Daily Maximum	Non-Serious Group I	899887	$3,000
12/8/2009	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899889	$3,000
12/15/2009	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899890	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
12/22/2009	001	Ammonia	mg/L	7.44	9.9	33%	Daily Maximum	Non-Serious Group I	899891	$3,000
12/29/2009	001	Ammonia	mg/L	7.44	9.6	29%	Daily Maximum	Non-Serious Group I	899892	$3,000
2/23/2010	001	Ammonia	mg/L	2.72	3.85	42%	Monthly Average	Serious Group I	899893	$3,000
3/30/2010	001	Ammonia	mg/L	2.72	4.18	54%	Monthly Average	Serious Group I	899894	$3,000
4/20/2010	001	Ammonia	mg/L	7.44	8.1	9%	Daily Maximum	Non-Serious Group I	899895	$3,000
4/27/2010	001	Ammonia	mg/L	7.44	7.9	6%	Daily Maximum	Non-Serious Group I	899896	$3,000
5/25/2010	001	Ammonia	mg/L	2.72	5.25	93%	Daily Maximum	Serious Group I	899907	$3,000
6/1/2010	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	899908	$3,000
6/15/2010	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	899909	$3,000
6/22/2010	001	Ammonia	mg/L	7.44	9.2	24%	Daily Maximum	Non-Serious Group I	899910	$3,000
6/29/2010	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	899911	$3,000
7/6/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899912	$3,000
7/13/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899913	$3,000
7/20/2010	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899914	$3,000
7/27/2010	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	899915	$3,000
8/3/2010	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899916	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
8/10/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899917	$3,000
8/17/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899918	$3,000
8/24/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899919	$3,000
8/31/2010	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899920	$3,000
9/7/2010	001	Ammonia	mg/L	7.44	9.7	30%	Daily Maximum	Non-Serious Group I	899921	$3,000
9/14/2010	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	899922	$3,000
9/21/2010	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	899923	$3,000
9/28/2010	001	Ammonia	mg/L	7.44	9	21%	Daily Maximum	Non-Serious Group I	899924	$3,000
10/5/2010	001	Ammonia	mg/L	7.44	9.6	29%	Daily Maximum	Non-Serious Group I	899925	$3,000
10/12/2010	001	Ammonia	mg/L	7.44	9.2	24%	Daily Maximum	Non-Serious Group I	899927	$3,000
10/19/2010	001	Ammonia	mg/L	7.44	9.7	30%	Daily Maximum	Non-Serious Group I	899928	$3,000
10/26/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899929	$3,000
11/2/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899931	$3,000
11/9/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899932	$3,000
11/16/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899933	$3,000
11/23/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899934	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
12/7/2010	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	899935	$3,000
12/14/2010	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	899936	$3,000
12/21/2010	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	899937	$3,000
1/26/2011	001	Ammonia	mg/L	2.72	5.2	91%	Monthly Average	Serious Group I	899943	$3,000
2/22/2011	001	Ammonia	mg/L	2.72	4.48	65%	Monthly Average	Serious Group I	899944	$3,000
3/29/2011	001	Ammonia	mg/L	2.72	3	10%	Monthly Average	Non-Serious Group I	899945	$3,000
4/29/2011	001	Ammonia	mg/L	2.72	2.96	9%	Monthly Average	Non-Serious Group I	899848	$3,000
4/30/2011	001	Ammonia	mg/L	2.72	3.7	36%	Monthly Average	Non-Serious Group I	950342	$3,000
5/31/2011	001	Ammonia	mg/L	2.72	4.3	58%	Monthly Average	Serious Group I	950341	$3,000
6/28/2011	001	Ammonia	mg/L	7.44	7.5	1%	Daily Maximum	Non-Serious Group I	899844	$3,000
6/30/2011	001	Ammonia	mg/L	2.72	6.4	135%	Monthly Average	Serious Group I	950340	$3,000
7/5/2011	001	Ammonia	mg/L	7.44	8	8%	Daily Maximum	Non-Serious Group I	950337	$3,000
7/5/2011	001	Ammonia	mg/L	7.44	8	8%	Daily Maximum	Non-Serious Group I	917044	$3,000
7/12/2011	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	950338	$3,000
7/12/2011	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	899842	$3,000
7/20/2011	001	Ammonia	mg/L	7.44	7.7	3%	Daily Maximum	Non-Serious Group I	950339	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
7/20/2011	001	Ammonia	mg/L	7.44	7.7	3%	Daily Maximum	Non-Serious Group I	917046	$3,000
7/31/2011	001	Ammonia	mg/L	2.72	7.75	185%	Monthly Average	Serious Group I	950360	$3,000
8/9/2011	001	Ammonia	mg/L	7.44	7.5	1%	Daily Maximum	Non-Serious Group I	950334	$3,000
8/23/2011	001	Ammonia	mg/L	7.44	7.9	6%	Daily Maximum	Non-Serious Group I	950335	$3,000
8/23/2011	001	Ammonia	mg/L	7.44	7.9	6%	Daily Maximum	Non-Serious Group I	899841	$3,000
8/30/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	950336	$3,000
8/30/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	917047	$3,000
8/30/2011	001	Ammonia	mg/L	2.72	7.66	182%	Monthly Average	Serious Group I	950361	$3,000
9/6/2011	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	899843	$3,000
9/6/2011	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	950330	$3,000
9/13/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	950331	$3,000
9/13/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	917048	$3,000
9/20/2011	001	Ammonia	mg/L	7.44	8.5	14%	Daily Maximum	Non-Serious Group I	950332	$3,000
9/20/2011	001	Ammonia	mg/L	7.44	8.5	14%	Daily Maximum	Non-Serious Group I	917060	$3,000
9/27/2011	001	Ammonia	mg/L	7.44	7.6	2%	Daily Maximum	Non-Serious Group I	950333	$3,000
9/27/2011	001	Ammonia	mg/L	7.44	7.6	2%	Daily Maximum	Non-Serious Group I	917064	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
9/30/2011	001	Ammonia	mg/L	2.72	8.5	213%	Monthly Average	Serious Group I	950362	$3,000
10/4/2011	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	950327	$3,000
10/4/2011	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	917074	$3,000
10/11/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	950328	$3,000
10/11/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	917068	$3,000
10/27/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	950329	$3,000
10/27/2011	001	Ammonia	mg/L	7.44	9.3	25%	Daily Maximum	Non-Serious Group I	917070	$3,000
10/31/2011	001	Ammonia	mg/L	2.72	7.5	176%	Monthly Average	Serious Group I	950363	$3,000
11/1/2011	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	927635	$3,000
11/1/2011	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	950323	$3,000
11/8/2011	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	927636	$3,000
11/8/2011	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	950324	$3,000
11/22/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	927638	$3,000
11/22/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	950325	$3,000
11/29/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	927639	$3,000
11/29/2011	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	950326	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
11/30/2011	001	Ammonia	mg/L	2.72	11	304%	Monthly Average	Serious Group I	950364	$3,000
12/6/2011	001	Ammonia	mg/L	7.44	13	75%	Daily Maximum	Serious Group I	927640	$3,000
12/6/2011	001	Ammonia	mg/L	7.44	13	75%	Daily Maximum	Serious Group I	950319	$3,000
12/13/2011	-001	Ammonia	mg/L	7.44	13	75%	Daily Maximum	Serious Group I	927641	$3,000
12/13/2011	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	950320	$3,000
12/20/2011	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	950321	$3,000
12/20/2011	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	927642	$3,000
12/27/2011	001	Ammonia	mg/L	7.44	17	128%	Daily Maximum	Serious Group I	950322	$3,000
12/27/2011	001	Ammonia	mg/L	7.44	17	128%	Daily Maximum	Serious Group I	927643	$3,000
12/31/2011	001	Ammonia	mg/L	2.72	15	451%	Monthly Average	Serious Group I	950365	$3,000
1/3/2012	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	950314	$3,000
1/3/2012	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	927644	$3,000
1/10/2012	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	950315	$3,000
1/10/2012	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	927645	$3,000
1/17/2012	001	Ammonia	mg/L	7.44	14	88%	Daily Maximum	Serious Group I	927646	$3,000
1/17/2012	001	Ammonia	mg/L	7.44	16	115%	Daily Maximum	Serious Group I	950316	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
1/24/2012	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	950317	$3,000
1/24/2012	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	927647	$3,000
1/31/2012	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	950318	$3,000
1/31/2012	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	927649	$3,000
1/31/2012	001	Ammonia	mg/L	2.72	12.9	374%	Monthly Average	Serious Group I	950366	$3,000
2/7/2012	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	950303	$3,000
2/7/2012	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	927654	$3,000
2/14/2012	001	Ammonia	mg/L	7.44	10	34%	Daily Maximum	Non-Serious Group I	950304	$3,000
2/21/2012	001	Ammonia	mg/L	7.44	8.6	16%	Daily Maximum	Non-Serious Group I	950306	$3,000
2/28/2012	001	Ammonia	mg/L	7.44	7.9	6%	Daily Maximum	Non-Serious Group I	950308	$3,000
2/28/2012	001	Ammonia	mg/L	7.44	9	21%	Daily Maximum	Non-Serious Group I	927657	$3,000
2/28/2012	001	Ammonia	mg/L	2.72	12.9	374%	Monthly Average	Serious Group I	950367	$3,000
3/6/2012	001	Ammonia	mg/L	7.44	7.8	5%	Daily Maximum	Non-Serious Group I	950300	$3,000
3/6/2012	001	Ammonia	mg/L	7.44	7.8	5%	Daily Maximum	Non-Serious Group I	927661	$3,000
3/13/2012	001	Ammonia	mg/L	7.44	8.3	12%	Daily Maximum	Non-Serious Group I	950301	$3,000
3/18/2012	001	Ammonia	mg/L	7.44	7.8	5%	Daily Maximum	Non-Serious Group I	927664	$3,000

Date	Discharge Point	Violation Type	Units	Effluent Limit	Analytical Results	Percent Over	Period	Violation Type	CIWQS Violation	MMP
3/31/2012	001	Ammonia	mg/L	2.72	7.3	168%	Monthly Average	Serious Group I	950368	$3,000
4/30/2012	001	Ammonia	mg/L	2.72	3.4	25%	Monthly Average	Non-Serious Group I	927665	$3,000
5/31/2012	001	Ammonia	mg/L	2.72	5.36	97%	Monthly Average	Serious Group I	950289	$3,000
6/30/2012	001	Ammonia	mg/L	7.44	8.4	13%	Daily Maximum	Non-Serious Group I	950284	$3,000
7/17/2012	001	Ammonia	mg/L	7.44	8.1	9%	Daily Maximum	Non-Serious Group I	950282	$3,000
7/24/2012	001	Ammonia	mg/L	7.44	8.4	13%	Daily Maximum	Non-Serious Group I	950283	$3,000
8/7/2012	001	Ammonia	mg/L	7.44	9.8	32%	Daily Maximum	Non-Serious Group I	950278	$3,000
8/14/2012	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	950279	$3,000
8/21/2012	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	950280	$3,000
8/28/2012	001	Ammonia	mg/L	7.44	12	61%	Daily Maximum	Serious Group I	950281	$3,000
9/4/2012	001	Ammonia	mg/L	7.44	7.6	2%	Daily Maximum	Non-Serious Group I	950271	$3,000
9/11/2012	001	Ammonia	mg/L	7.44	8.8	18%	Daily Maximum	Non-Serious Group I	950272	$3,000
9/18/2012	001	Ammonia	mg/L	7.44	11	48%	Daily Maximum	Serious Group I	950273	$3,000
9/25/2012	001	Ammonia	mg/L	7.44	9.8	32%	Daily Maximum	Non-Serious Group I	950274	$3,000
								Total Assessment		**$462,000**

Notes: Serious Group I: any waste discharge that exceeds the effluent limitations for a group I pollutant by 40% or more.
Serious Group II: any waste discharge that exceeds the effluent limitations for a group II pollutant by 20% or more.
Non-Serious Violation: A non-serious violation occurs if the discharger does any one of the following four or more times in any period of 180 days:

(a) violates a WDR effluent limitation;
(b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
(c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or
(d) violates a whole effluent toxicity limitation where the WDRs do not contain pollutant-specific effluent limitations for any toxic pollutants.

AMEL: Average Monthly Effluent Limitation
MDEL: Daily Maximum Effluent Limitation
N/A: Not Applicable

Central Valley Regional Water Quality Control Board

HEARING PROCEDURE
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R5-2013-0577

ISSUED TO
THE CITY OF BIGGS
CITY OF BIGGS WASTEWATER TREATMENT PLANT
BUTTE COUNTY

SCHEDULED FOR 5/6 DECEMBER 2013

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

Overview

Pursuant to Water Code section 13323, the Executive Officer has issued an Administrative Civil Liability (ACL) Complaint to the City of Biggs (Discharger), alleging violations of Water Code section 13385 for violations of the NPDES Permit. The ACL Complaint proposes that the Central Valley Water Board impose administrative civil liability in the amount of $462,000. A hearing is currently scheduled to be conducted before the Central Valley Water Board during its 5/6 December 2013 meeting.

The purpose of the hearing is to consider relevant evidence and testimony regarding the ACL Complaint. At the hearing, the Central Valley Water Board will consider whether to issue an administrative civil liability order assessing the proposed liability, or a higher or lower amount. The Board may also decline to assess and liability, or may continue the hearing to a later date. If less than a quorum of the Board is available, this matter may be conducted before a hearing panel. The public hearing on will commence at 8:30 a.m. or as soon thereafter as practical, or as announced in the Board's meeting agenda. The meeting will be held at

11020 Sun Center Drive, Suite 200, Rancho Cordova, California.

An agenda for the meeting will be issued at least ten days before the meeting and posted on the Central Valley Water Board's web page at:

http://www.waterboards.ca.gov/centralvalley/board_info/meetings

Hearing Procedure

The hearing will be conducted in accordance with this Hearing Procedure, which has been approved by the Board Chair for the adjudication of such matters. The procedures governing adjudicatory hearings before the Central Valley Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at:

http://www.waterboards.ca.gov

Copies will be provided upon request. In accordance with Section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648(b) and herein, Chapter 5 of the Administrative Procedures Act (Gov't Code § 11500 et seq.) does not apply to this hearing.

The Discharger shall attempt to resolve objections to this Hearing Procedure with the Prosecution Team BEFORE submitting objections to the Advisory Team.

Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Board (the "Prosecution Team") have been separated from those who will provide advice to the Board (the "Advisory Team"). Members of the Advisory Team are Ken Landau, Assistant Executive Officer and David Coupe, Staff Counsel. Members of the Prosecution Team are: Pamela Creedon, Executive Officer; Clint Snyder, Assistant Executive Officer; Bryan Smith, Supervising Water Resources Control Engineer; Greg Cash, Senior Engineering Geologist; George Day, Senior Water Resources Control Engineer; Daniel Warner, Water Resources Control Engineer; James Ralph, Staff Counsel.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Pamela Creedon regularly advises the Central Valley Water Board in other, unrelated matters, but is not advising the Central Valley Water Board in this proceeding. Other members of the Prosecution Team act or have acted as advisors to the Central Valley Water Board in other, unrelated matters, but they are not advising the Central Valley Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Central Valley Water Board or the Advisory Team regarding this proceeding.

Hearing Participants

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). Both designated parties and interested persons may be asked to respond to clarifying questions from the Central Valley Water Board, staff or others, at the discretion of the Central Valley Water Board.

The following participants are hereby designated as parties in this proceeding:

1. Central Valley Water Board Prosecution Team
2. The City of Biggs

Requesting Designated Party Status

Persons who wish to participate in the hearing as a Designated Party must request party status by submitting a request in writing so that it is received no later than the deadline listed under "Important Deadlines" below. The request shall include an explanation of the basis for status as a designated party (i.e., how the issues to be addressed in the hearing and the potential actions by the Central Valley Water Board affect the person, and the need to present evidence or cross-examine witnesses), along with a statement explaining why the parties listed above do not adequately represent the person's interest. Any objections to these requests for designated party status must be submitted so that they are received no later than the deadline listed under "Important Deadlines" below.

Primary Contacts

Advisory Team:
Kenneth Landau, Assistant Executive Officer
11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670
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State Water Resources Control Board, Office of Chief Counsel
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Prosecution Team:
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State Water Resources Control Board, Office of Enforcement
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Mailing Address: P.O. Box 100, Sacramento, CA 95812
Phone: (916) 322-3227; fax: (916) 341-5199

Discharger:
Peter Carr, City Manager
City of Biggs
P.O. Box 307
Biggs, CA 95917

Ex Parte Communications

Designated Parties and Interested Persons are forbidden from engaging in ex parte communications regarding this matter. An ex parte communication is a written or verbal communication related to the investigation, preparation, or prosecution of the ACL Complaint between a Designated Party or an Interested Person and a Board Member or a member of the Board's Advisory Team (*see* Gov. Code, § 11430.10 et seq.). However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Communications regarding non-controversial procedural matters are also not considered ex parte communications and are not restricted.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each designated party shall have a combined **30** minutes to present evidence (including evidence presented by witnesses called by the Designated Party), cross-examine witnesses (if warranted), and provide a closing statement. Each interested person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Board Chair (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments, or legal argument requires extra time, and why it could not have been provided in writing by the applicable deadline.

A timer will be used, but will not run during Board questions or the responses to such questions, or during discussions of procedural issues.

Submission of Evidence and Policy Statements

The Prosecution Team and all other Designated Parties (including the Discharger) must submit the following information in advance of the hearing:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the Central Valley Water Board to consider. Evidence and exhibits already in the public files of the Central Valley Board may be submitted by reference, as long as the exhibits and their location are clearly identified in accordance with California Code of Regulations, title 23, section 648.3. Board members will not generally receive copies of materials incorporated by reference unless copies are provided, and the referenced materials are generally not posted on the Board's website.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

Prosecution Team: The Prosecution Team's information must include the legal and factual basis for its claims against each Discharger; a list of all evidence on which the Prosecution Team relies, which must include, at a minimum, all documents cited in the ACL Complaint, Staff Report, or other material submitted by the Prosecution Team; and the witness information required under items 3-4 for all witnesses, including Board staff.

Designated Parties (including the Discharger): All Designated Parties shall submit comments regarding the ACL Complaint along with any additional supporting evidence not cited by the Central Valley Water Board's Prosecution Team no later than the deadline listed under "Important Deadlines" below.

Rebuttal: Any Designated Party that would like to submit evidence, legal analysis, or policy statements to rebut information previously submitted by other Designated Parties shall submit this rebuttal information so that it is received no later than the deadline listed under "Important Deadlines" below. "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other submissions. Rebuttal shall be limited to the scope of the materials previously submitted. Rebuttal information that is not responsive to information previously submitted may be excluded.

Copies: Board members will receive copies of all submitted materials. The Board Members' hard copies will be printed in black and white on 8.5"x11" paper from the Designated Parties' electronic copies. Designated Parties who are concerned about print quality or the size of all or part of their written materials should provide an extra nine paper copies for the Board Members. For voluminous submissions, Board Members may receive copies in electronic format only. Electronic copies will also be posted on the Board's website. Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Board will not reject materials solely for failure to provide electronic copies.

Other Matters: The Prosecution Team will prepare a summary agenda sheet (Summary Sheet) and will respond to all significant comments. The Summary Sheet and the responses shall clearly state that they were prepared by the Prosecution Team. The Summary Sheet and the responses will be posted online, as will revisions to the proposed Order.

Interested Persons: Interested Persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but they must be received by the deadline listed under "Important Deadlines" to be included in the Board's agenda package. Interested Persons do not need to submit written comments in order to speak at the hearing.

Prohibition on Surprise Evidence: In accordance with California Code of Regulations, title 23, section 648.4, the Central Valley Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and testimony will *not* be considered by the Central Valley Water Board and will not be included in the administrative record for this proceeding.

Presentations: Power Point and other visual presentations may be used at the hearing, but their content shall not exceed the scope of other submitted written material. These presentations must be provided to the Advisory Team at or before the hearing both in hard copy and in electronic format so that they may be included in the administrative record. Witnesses: All witnesses who have submitted written testimony shall appear at the hearing to affirm that the testimony is true and correct, and shall be available for cross-examination.

Evidentiary Documents and File

The ACL Complaint and related evidentiary documents are on file and may be inspected or copied at the Central Valley Water Board office at 364 Knollcrest Drive Suite 205, Redding CA 96002. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Central Valley Water Board's Chair. Many of these documents are also posted on-line at

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/index.shtml

Although the web page is updated regularly, to assure access to the latest information, you may contact:

George Day P.E., 364 Knollcrest Drive Suite 205, Redding CA 96002
Phone (530) 224-4845 fax (530) 224-4857
gday@waterboards.ca.gov

Questions

Questions concerning this proceeding may be addressed to the Advisory Team attorney (contact information above).

IMPORTANT DEADLINES

All required submissions must be received by 5:00 p.m. on the respective due date.

6 September 2013	▪ Prosecution Team issues ACL Complaint, Hearing Procedure, and other related materials.
16 September 2013	▪ Objections due on Hearing Procedure. ▪ Deadline to request "Designated Party" status. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney. Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact.
7 October 2013	▪ Deadline to submit opposition to requests for Designated Party status. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney. Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact.
7 October 2013	▪ Discharger's deadline to submit *90-Day Hearing Waiver Form*. Electronic *or* Hard Copy to: Prosecution Team Primary Contact.
15 October 2013*	▪ Advisory Team issues decision on requests for designated party status. ▪ Advisory Team issues decision on Hearing Procedure objections.
15 October 2013*	▪ Prosecution Team's deadline for submission of information required under "Submission of Evidence and Policy Statements," above. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons. Electronic *and* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney.
4 November 2013*	▪ Remaining Designated Parties' (including the Discharger's) deadline to submit all information required under "Submission of Evidence and Policy Statements" above. This includes all written comments regarding the ACL Complaint. ▪ Interested Persons' comments are due. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney. Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact.
14 November 2013*	▪ All Designated Parties shall submit any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections. ▪ Deadline to submit requests for additional time. ▪ If rebuttal evidence is submitted, all requests for additional time (to respond to the rebuttal at the hearing) must be made within 3 working days of *this* deadline. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney. Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact.
19 November 2013*,†	▪ Prosecution Team submits Summary Sheet and responses to comments. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons. Electronic *and* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney.
5/6 December 2013*	▪ Hearing

** Dischargers have the right to a hearing before the Board within 90 days of receiving the Complaint, but this right can be waived (to facilitate settlement discussions, for example). By submitting the waiver form, the Discharger is not waiving the right to a hearing; unless a settlement is reached, the Board will hold a hearing prior to imposing civil liability. However, if the Board accepts the waiver, all deadlines marked with an "*" will be revised if a settlement cannot be reached.*

† This deadline is set based on the date that the Board compiles the Board Members' agenda packages. Any material received after this deadline will not be included in the Board Members' agenda packages.