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Central Valley Regional Water Quality Control Board

7 September 2016

John Schempf  
City Manager  
City of Colfax  
P.O. Box 702  
Colfax, CA 95713

**CERTIFIED MAIL**  
**91 7199 9991 7035 8363 4555**

***ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0562 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF COLFAX, WASTEWATER TREATMENT PLANT, PLACER 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 R5-2013-0045 (NPDES CA0079529) by the City of Colfax (Discharger) at its Wastewater Treatment Plant (Facility). The Complaint charges the Discharger with an administrative civil liability in the amount of **twenty-one thousand dollars (\$21,000)**, which represents the sum of the statutory Mandatory Minimum Penalties (MMPs) for effluent limitation violations (identified in Attachment A of the Complaint) that occurred between 1 January 2015 and 30 June 2016. This Complaint alleges seven total coliform violations.

On 1 August 2016, Central Valley Water Board staff issued a draft Record of Violations (ROV) for the period of 1 May 2015 through 31 May 2016. On 15 August 2016, the Discharger responded and agreed with the violations and the proposed administrative civil liability. This Complaint extends the ROV period through 30 June 2016; no additional violations were found.

Pursuant to Water Code section 13323, the Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **30 September 2016**, a hearing will be scheduled for the **5/6 December 2016** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing

Procedures must be received by Stephanie Yu, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 16 September 2016**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by the State Water Resource Control Board, Accounting Office at PO Box 1888 Sacramento, California, 95812-1888 by **30 September 2016**. The check shall be made payable to the *State Water Pollution Cleanup and Abatement Account*. The waiver and a copy of the check must be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, CA 95670 attention to Wendy Wyels by **30 September 2016**.

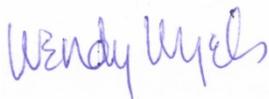
The settlement will be considered final pending a 30-day comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if 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.

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/](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 Kari Holmes at (916) 464-4623 or [kari.holmes@waterboards.ca.gov](mailto:kari.holmes@waterboards.ca.gov).



WENDY WYELS, Supervisor  
Compliance and Enforcement Section

Enclosures: ACLC R5-2016-0562  
Waiver Form  
Hearing Procedures

ccs – see next page

cc w encl: Travis Berry, City of Colfax, Colfax  
Michael Garabedian, Friends of the North Fork, North Highlands  
Daniel Cooper, Lawyers for Clean Water, San Francisco  
Allen Edwards, Colfax  
Stephen Green, Save the American River Association, Sacramento

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco  
David Boyers, Office of Enforcement, SWRCB, Sacramento  
Stephanie Yu, Office of Chief Counsel, SWRCB, Sacramento  
Pamela Creedon, Central Valley Water Board Advisory Team, Rancho Cordova  
Adam Laputz, Central Valley Water Board Advisory Team, Rancho Cordova  
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova  
Bill Jennings, California Sportfishing Protection Alliance, Stockton  
Jae Kim, Tetra Tech, Fairfax, VA