

CROCKETT SANITARY COMMISSION

Regular Business Meeting
AGENDA FOR WEDNESDAY, OCTOBER 21, 2020

TIME: 7:00 PM

PLACE: ** TELECONFERENCE - SEE BELOW **

IMPORTANT NOTICE REGARDING COVID -19 AND TELECONFERENCED MEETINGS:

Based on the mandates by the Governor in *Executive Order 33-20* and the County Public Health Officer to shelter in place and the guidance from the CDC, to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The District offices are not open to the public at this time. (See *Resolution No. 19/20-18*)
- The meeting will be conducted via teleconference using Zoom.
- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting telephonically or otherwise electronically in the manner described below. See end of agenda for information on How to Submit Public Comments.

Agenda packet can be accessed at <https://www.town.crockett.ca.us/2020-10-21-crockett-sanitary-commission-meeting>.

HOW TO OBSERVE THE MEETING:

Telephone: Listen to the meeting live by calling Zoom at 1 (669) 900 9128.

Enter the Meeting ID# 865 4414 6455 followed by the pound (#) key.

More phone numbers can be found on Zoom's website at <https://zoom.us/u/abb4GNs5xM>.

Computer: Watch the live streaming of the meeting from a computer by navigating to <https://zoom.us/j/86544146455> using a computer with internet access that meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>)

Mobile: Login through the Zoom mobile app on a smartphone, enter Meeting ID# 865 4414 6455.

The Crockett Sanitary Commission is an agent of the Crockett Community Services District.

1. CALL TO ORDER – ROLL CALL
2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:
(The Commission is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared for a future date.)
4. PUBLIC HEARING:
5. CONSENT CALENDAR: Consideration of a motion to approve the following item:
(Items are subject to removal from Consent Calendar by request of any Commissioner on request for discussion by a member of the public. Items removed from the Consent Calendar will be considered with the Administrative Items.)
 - a. Approve Minutes of September 16, 2020.
 - b. Consider Status Report on outstanding issues.

6. **ADMINISTRATIVE:**
 - a. Consider report on actions taken by the District Board.
 - b. Status Report on Recent Enforcement Actions.
 - c. Discuss any interim procedures.
 - d. Receive Conditional Offer to Settle Violations of NPDES Permit CA005240 C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community Services District Philip F. Meads in the amount of \$6,000.

7. **WASTEWATER:**
 - a. Consider General Lease 2595.9 Existing Outfall, discuss and form recommendations.
 - b. Approve Agreement for Project #20-TV with L.R. Paulsell Consulting to clean and televise 9,463 linear feet (11.65%) of sewers for \$17,506.55.

8. **BUDGET AND FINANCE:**

Consider monthly Summary Worksheet and staff report on financial matters.

9. **REPORT OF DEPARTMENT MANAGER:** *(These items are typically for exchange of information only. No action will be taken at this time.)*
 - a. Operations, maintenance and capital improvements.
 - b. Governmental matters.
 - c. Announcements and discussion.

10. **REPORTS FROM COMMISSIONERS:** *(These items are typically for exchange of information only. No action will be taken at this time.)*
 - a. Wastewater Committee – Members Bartlebaugh and Manzione
 - b. Budget & Finance Committee – Members Wolthuis and Adams
 - c. Inter-agency meetings:

11. **FUTURE AGENDA ITEMS:**

Discuss any interim procedures (Oct-Dec).
Election of Officers (Nov).
Approve meeting calendar for 2021).
Capacity Charge Accessory Dwelling Unit (ADU) Ordinance.
Video outreach for FOG and no wipes down drain.
Recommend award of contract(s).
Recommend payment for sewer project(s).

12. **COMMENTS FROM COMMISSIONERS:**

13. **ADJOURNMENT** to November 10, 2020.

HOW TO SUBMIT PUBLIC COMMENTS:

Written/ Read Aloud: Please email your comments to manager@town.crockett.ca.us, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (*not to exceed three minutes at staff's cadence*), prominently write "Read Aloud at Meeting" at the top of the email. All comments received before 3:00 PM the day of the meeting will be included as an agenda supplement on the District's website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as telephonic/electronic comments.

Telephonic / Electronic Comments: During the meeting, the Board President or designee will announce the opportunity to make public comments and identify the cut off time for submission. The public can speak up at that time or use the Zoom chat feature to indicate they want to make a public comment. If needed, a short recess (generally less than 10 minutes) will take place during the time public comment is open to allow the comments to be collected. Use Zoom chat or email your comments to manager@town.crockett.ca.us, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. Once the public comment period is closed, all submitted comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

You will find the Minutes of this meeting posted on our website at www.town.crockett.ca.us after they are adopted. Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or if you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the General Manager at (510) 787-2992. Notification of at least 48 hours prior to the meeting or time when services are needed will assist District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection. The Board has designated the District's website located at <https://www.town.crockett.ca.us/meetings> as the place for making those public records available for inspection. The documents may also be obtained by calling the District Manager, at the Crockett Community Services District Office in Crockett. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The office address is 850 Pomona Street, Crockett, California 94525.

CROCKETT SANITARY COMMISSION

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525

Telephone (510) 787-2992

Fax (510) 787-2459

e-mail: manager@town.crockett.ca.us

website: www.town.crockett.ca.us

MINUTES OF REGULAR MEETING, SEPTEMBER 16, 2020

1. CALL TO ORDER: The meeting was called to order at 7:01 PM by Chairperson Bartlebaugh. Present were Commissioners Adams, Manzione, Wais and Wolthuis, along with General Manager McDonald, Assistant Dept. Manager Barnhill and Asst. Secretary Witschi. Also present was Director Kirker.
2. AGENDA ORDER: There were no requests to change the agenda order.
3. PUBLIC COMMENTS: None
4. PUBLIC HEARING: Mr. McDonald reported he received a call today from the owner at 570 Kendall Avenue and she is working with her father to fix the lateral defect. He said the owner received a bid to do the work but it is very high. Staff has given her a six-month extension and recommends no action at this time.
5. CONSENT CALENDAR: The consent items were approved unanimously (jw/mw):
 - a. Approve Minutes of August 19, 2020.
 - b. Consider Status Report on outstanding issues.
- 6.a. DISTRICT BOARD ACTIONS: Mr. McDonald reported on the actions taken by the District Board in August. He said there have been a lot of meetings with the District Board, setting up transition teams and discussion on recruitment for the Interim General Manager position as well as bringing on consultants. He said Hosselkus Chapel has been purchased. Commissioner Bartlebaugh said he thinks the emphasis by the District Board is the General Manager position and not so much concern with sanitary knowledge.
- 6.b. ENFORCEMENT ACTIONS: Mr. McDonald reported staff has begun enforcement on the District's building lateral sewer inspection requirement, and has issued Notices of Violation to four property owners with hearings planned for October. In addition, staff has begun mailing Notices of Public Hearing to property owners who have previously been issued a violation. He said three property owners had permits that expired and letters were sent asking for a status within 30 days, otherwise permits will be considered expired. Staff will continue to address routine and emergency enforcement in the months ahead.
7. EXISTING OUTFALL: Mr. McDonald reported he received a letter from California State Lands Commission regarding an incomplete application for a General Lease – Public Agency Use, for an existing 20-inch diameter sewer outfall in the Carquinez Strait. He said a condition of the lease requires inspection of the outfall. He said C&H is responsible to perform inspection and maintenance on the outfall. The Commission discussed the situation and a decision was reached to have Crockett Sanitary Department communicate with C&H to inform them of their responsibility to inspect. Commissioner Manzione asked staff to bring this item back next month for further discussion.

8. FINANCIAL REPORT: No report

9.a. STAFF REPORT ON OPERATIONS: Mr. McDonald reported no Sanitary Sewer Overflows (SSO's) in August. Staff responded to five incidents since last month's report, three at the Crockett Pump Station, engine running, low water pressure, and air pressure tank alarm. Private lateral sewer discharge at 29 Baldwin. WCWD noticed that the grit system pump isolation valves were unable to close completely. Gaskets expanded which prevents valves from closing. C&H has been notified, and staff has asked for temperature readings of the process wastewater. WCWD will test isolation valves one week after C&H by-pass is over. Transfer Pump #5 impeller and ball bearings failed. WCWD authorized to repair at estimated cost of \$2,500.

9.b. STAFF REPORT ON GOVERNMENTAL MATTERS: None

9.c. STAFF ANNOUNCEMENTS: Mr. McDonald said it was a pleasure working for the District. Commissioner Manzione said you will be missed. Commissioner Wolthuis said he is looking forward to working with Mr. Barnhill.

10.a. WASTEWATER COMMITTEE REPORT: None

10.b. BUDGET & FINANCE COMMITTEE REPORT: None

10.c. INTER-AGENCY MEETINGS: None

11. FUTURE AGENDA ITEMS:

- Consider General Lease 2595.9 Existing Outfall, discuss and form recommendations (Oct.).
- Discuss any interim procedures (Oct-Dec.).
- Capacity Charge Accessory Dwelling Unit (ADU) Ordinance.
- Video outreach for FOG and no wipes down drain.
- Recommend award of contract(s).
- Recommend payment for sewer project(s).

12. COMMISSIONER COMMENTS: None

13. ADJOURNMENT: The meeting was adjourned at 8:13 PM until October 21, 2020.

Respectfully submitted,



Susan Witschi
September 18, 2020

CROCKETT SAN. DEPT. STATUS REPORT

OCT

<u>DATE</u>	<u>REF.</u>	<u>TASK</u>	<u>STATUS</u>	<u>NEXT STEP</u>	<u>RESPONSIBLE</u>
Ongoing		Flow data analysis - gather meter data regularly, process flow data, print and archive, update dry weather and wet weather worksheets.	Hydraulic study underway on capacity of collection systems.	Meter calibrations in 2021	JB
Ongoing		Sewer database & repair records - permanent paper and digital records of construction projects.	Paper files through 2018, ICOM maintenance scheduled updates, map and line segment data current thru 6/13	Catalog and archive paper records. Update ICOM3 data records, create new wall map based on changes.	JB
Ongoing		Financial accounting & budget	Adopted FY 20/21	Mid-Year FY 20/21 report in December	GM
Ongoing		JTP cost allocation adjustment - annual review done in April to adjust treatment plant costs based on actual flow.	Allocation complete for April 2019-March 2020	Review in April 2021	JB
Ongoing		C&H diversion analysis - data gathered monthly and records stored with flow data.	current thru 4/20	Verify diversions reported by review of flow data, complete in March 2021.	JB
Ongoing		Creek pollution monitoring - SSMP requires monitoring of large spills that reach the waters of the state. WCWC to perform these services as needed. Insufficient staff to be proactive for collection of baseline data.	BACKLOGGED		WCWD
Ongoing		Manhole maintenance - annual maintenance to site visit known trouble spots to clear brush and debris.	brush & debris cleared	Review Summer 2020	JB

FINANCIAL MATTERS

4/18	F-23	10-year revenue program	updated in 2018	BACKLOGGED	GM
3/18	F-22	Climate change impacts	POSTPONED	Strategic planning in fall	Comm/Board
3/18	F-21	Advance planning renegotiate JUA	POSTPONED	Review JUA in winter	Comm/Board
3/18	F-20	Advance planning for flow reduction C&H	POSTPONED	To Wastewater Committee	WWC

ENGINEERING MATTERS

5/18	E-27	Flyght SCADA with MCC	engineer investigating	To bid October 2020	VW Housen
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5.b.

<u>DATE</u>	<u>REF.</u>	<u>TASK</u>	<u>STATUS</u>	<u>NEXT STEP</u>	<u>RESPONSIBLE</u>
12/12	E-26	Protect pump station from floods	POSTPONED	remove bricks by Feb 2021	CIA
5/12	E-25	6" sewer behind Third/Wanda	BACKLOGGED	install access point	Constr. Mgr.
10/10	E-24	Loring pump station alt. power backup	WCWD Power	install generator	WCWD / JB
7/07	E-21	Mercury TMDL	BACKLOGGED	review / research	WWC
4/07	E-20	Pool discharge permitting	BACKLOGGED	create permit	GM / Legal
3/05	E-10	EQ tank rehabilitation	cleaned 9/14	engineers study required	VW Housen & other engin.
6/04	E-9.5	Sewer replacement schedule	2% per year	Wastewater to review 2021	GM / WWC
10/01	E-4	Easement agreement (405 Alhambra)	BACKLOGGED	hire surveyor	GM
8/01	E-3	Edwards Creek tunnel project	COMPLETED	record grant of easement	GM
7/17	E-28	Update contacts with DIR	BACKLOGGED	Contractors must be registered	Constr. Mgr.

ADMINISTRATIVE MATTERS

1/18	A-32	Easement Protection Program	BACKLOGGED	revisit enforcement priority	GM / Board
6/17	A-31	Access & Repair Agreement Program	BACKLOGGED	develop formal program	GM / Board
4/17	A-30	Abandon sewer easement 550 Alhambra	Attorney for language	record abandonment	GM
10/15	A-29	Order protection of easement 515 Winslow	BACKLOGGED	draft letter and request payment of abatement costs	GM
8/15	A-33	Enforcement Procedures - rewrite	BACKLOGGED	Draft and legal review	GM / Legal
9/14	A-34	Grant Easement Transfer 330 Alhambra	BACKLOGGED	draft and record	GM
9/12	A-28	Capacity charge payment plan	POSTPONED	revise fee ordinance	GM / Legal
3/12	A-27	Common lateral ordinance	DELAYED	review ordinance	GM / Legal
2/10	A-26	Capacity charge ordinance	POSTPONED	revise by ordinance	GM / Legal
11/09	A-25	Double permit fees for no permit	drafted	adopt ordinance	GM / Legal
3/08	N-11	Penalties for lateral SSO negligence	BACKLOGGED	develop fines	GM / Board
4/07	A-20.5	Lateral replacement	ON HOLD		GM / Board
11/06	A-19	Safety training requirements	Identify	annual training	JB
3/04	A-16	C&H access requirements	BACKLOGGED	abandon sewers	GM / Legal

<u>DATE</u>	<u>REF.</u>	<u>TASK</u>	<u>STATUS</u>	<u>NEXT STEP</u>	<u>RESPONSIBLE</u>
8/03	A-15.9	Grease trap inspection control program	BACKLOGGED	develop procedures	JB
8/03	A-15.7	Grease traps/FOG	BACKLOGGED	notify commercial kitchens	JB
3/03	A-15	N-00-29 sewer easement	Docs updated	parties to sign	GM / Prop. Owner
3/02	A-14	Encroachment permit (9 Crolona Hgts)	BACKLOGGED	send agreement	JB
2/01	A-11	Sewer main acceptance records	BACKLOGGED	disavow by resolution	GM / Legal
2/99	A-8	West County contract review	ON HOLD	continue with existing	GM / Comm.
5/98	A-4	Emergency binder	BACKLOGGED	Update and revise	GM
6/20	A-33	Letter to railroad re crossing	BACKLOGGED	Protect access to outfall	GM / Legal
1/20	A-34	Outfall lease SLC #25959	Incomplete	Address outstanding items	GM

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CROCKETT SANITARY DEPARTMENT

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Crockett Sanitary Commission
FROM: Department Manager
SUBJECT: Status Report on Recent Enforcement Actions
DATE: October 15, 2020

Staff has begun enforcement of Ordinance No. 07-1, the District's building lateral sewer inspection requirement, and has issued Notices of Violation to four property owners with hearings planned for October if no action is taken. In addition, staff has begun mailing Notices of Public Hearing to property owners who have previously been issued violation.

The following properties are no longer in violation and/or received a Certificate of Compliance prior to the sale of the building:

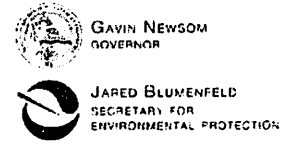
1. 1524 LILLIAN STREET– Certificate issued following review of lateral TV.
2. 358 DUPERU DRIVE – Certificate issued after permit to repair sewer.
3. 225 VIRGINIA STREET– Certificate issued following review of lateral TV.
4. 42 STANDISH COURT – Certificate issued after permit to replace sewer.
5. 32 ROLPH PARK DRIVE – Certificate issued after permit to replace sewer.
6. 32 ATHERTON AVENUE – Certificate issued following review of lateral TV.

Properties with permit issues:

1. 1014 FIFTH AVENUE– Permit #20-1 canceled. Notice of Public Hearing to be sent.
2. 475 ALHAMBRA STREET– Permit #19-23 canceled. Pending new permit and repair.
3. 1515 FLORA STREET– Permit not obtained. Notice of Public Hearing to be sent.
1. 625 HEALD COURT – Owner listed property for sale and is planning to repair lateral connection to common private main sewer. Permit not obtained yet. Private main sewer serves four properties.
- 2.

Properties Pending repair:

1. 530 ALHAMBRA STREET– Owner contracted for repairs under Permit.
2. 312 CLARK STREET– Owner in communication with Dept. Pending Permit and repair.



San Francisco Bay Regional Water Quality Control Board

September 24, 2020
CW-212212

C&H Sugar Company, Inc.
Tanya Akkerman, Environmental Manager
(via email only to tanya.akkerman@asr-group.com)
830 Loring Avenue
Crockett, CA 94525

Crockett Community Services District
Dale McDonald, General Manager
(via email only to manager@town.crockett.ca.us)
830 Loring Avenue
Crockett, CA 94525

**Subject: Conditional Offer to Settle Violations of NPDES Permit CA0005240
C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett
Community Services District Philip F. Meads Water Treatment Plant,
Crockett, Contra Costa County**

Dear Tanya Akkerman and Dale McDonald:

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board) is charged with enforcing violations of the Water Code. This letter notifies C&H Sugar Company, Inc. and Crockett Community Services District (collectively, Discharger) of alleged violations of discharge limitations and provides the Discharger an opportunity to settle the violations through a payment of **\$6,000**, the mandatory minimum penalty pursuant to Water Code section 13385. Please reply by **October 21, 2020**.

NOTICE OF VIOLATION

The Regional Water Board's Assistant Executive Officer alleges that the Discharger has violated the NPDES permit indicated above as identified in Exhibit A, which is attached to this letter and incorporated by reference. The Discharger has the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY

Water Code section 13385, subdivisions (h) and (i), requires the assessment of a \$3,000 mandatory minimum penalty for specified serious and chronic effluent limitation violations. Failure to file a discharge monitoring report required pursuant to Water Code section 13383 constitutes a serious violation for each complete period of 30 days following the deadline for submitting the report. The Discharger may also be subject to discretionary administrative civil liabilities of up to \$10,000 per day for each violation, plus \$10 for each gallon discharged but not

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

cleaned up in excess of 1,000 gallons. The Regional Water Board or the State Water Resources Control Board (collectively, the Water Boards) may assess these mandatory minimum penalties and discretionary administrative civil liabilities beginning with the date on which each violation first occurred.¹ To assess such liabilities, the Water Boards could initiate a formal enforcement action by issuing an administrative civil liability complaint to be followed by a public hearing. Alternatively, the Water Boards could refer the matter to the Attorney General's Office for prosecution in the Superior Court. The Superior Court may assess up to \$25,000 per day for each violation, plus \$25 per gallon discharged but not cleaned up in excess of 1,000 gallons.

CONDITIONAL OFFER TO SETTLE

The Discharger can avoid a formal enforcement action and settle the alleged violations identified in Exhibit A by accepting this conditional offer as described below and in the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver). This offer does not address liability for any violation not specifically identified in Exhibit A.

OPTIONS FOR RESPONSE

To accept this offer, the Discharger must complete, sign, and return the enclosed Acceptance and Waiver on or before the date specified in the first paragraph of this letter.

If the Discharger chooses to contest any of the violations alleged in Exhibit A, the Discharger should identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the date specified in the first paragraph of this letter. Regional Water Board staff will evaluate any contested violation and take one of two actions:

1. Determine that the alleged violation warrants dismissal, dismiss the alleged violation within the California Integrated Water Quality System (CIWQS) database, notify the Discharger of the dismissal, and take no further action against the Discharger for the alleged violation; or
2. Determine that the alleged violation is meritorious and notify the Discharger of that determination. The Discharger will then have 30 days from the date of the determination to accept the mandatory minimum penalty as settlement for that violation.

If the Discharger chooses not to accept the settlement or does not reply to the determination, it should expect to be contacted regarding formal enforcement for the contested violation. With respect to formal enforcement, information Water Board staff receive during any formal investigation and assessment of the violation, as well as staff costs associated with pursuing enforcement and other considerations, may increase the liability beyond that set forth in this conditional offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Regional Water Board to publish and allow the public at least 30 days to comment on any settlement of an enforcement action addressing an NPDES permit

¹ The statute of limitations does not apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (5th ed. 2008) Actions, § 430. Also, the equitable doctrine of laches does not apply to mandatory minimum penalties. See State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, and 2013-0099.

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

violation (40 C.F.R. § 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver, Regional Water Board staff will publish a notice of the proposed settlement. If staff receives no comment within the 30 day period and no new material facts are available to the Regional Water Board, the settlement will be presented to the Executive Officer who will determine whether to execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the proposed settlement, this offer may be withdrawn. In that circumstance, the Water Boards will also treat the Acceptance and Waiver as withdrawn. Water Board staff will advise the Discharger of any withdrawal and may issue an administrative civil liability complaint and schedule a hearing before the Regional Water Board or State Water Board. For such a hearing, the Discharger will be free to argue against the alleged violations. Water Board staff will treat the Discharger's Acceptance and Waiver as if it were a settlement communication and will not use it as evidence in the hearing. Water Board staff will provide the Discharger with additional information on hearing procedures if a hearing is to occur.

If the Regional Water Board's Executive Officer executes the Acceptance and Waiver, payment of the settlement amount shall be due within 30 calendar days from the date of the Executive Officer's signature. In accordance with Water Code section 13385(n)(1), funds collected pursuant to Water Code section 13385 shall be deposited into the State Water Pollution Cleanup and Abatement Account. Failure to pay the penalty within the required time may subject the Discharger to additional liability.

OPPORTUNITY FOR SUPPLEMENTAL ENVIRONMENTAL PROJECT

In lieu of paying all of the mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, the Discharger may elect to apply a portion of the penalty to fund a supplemental environmental project (SEP).^{2,3} One SEP option is available: the SEP Fund to supplement the Regional Monitoring Program (RMP). This SEP Fund will supplement RMP studies that would not otherwise be conducted through the RMP's annually approved cost allocations. The RMP collects data and communicates information about water quality in the San Francisco Estuary in support of management decisions to restore and protect beneficial uses of the region's waters. Information about the RMP is available at sfei.org/rmp. The non-profit San Francisco Estuary Institute manages and administers RMP funds. No funds will go to the Water Boards.

The Discharger also may choose to pay the total mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account. These options are represented in the enclosed Acceptance and Waiver.

² Water Code section 13385(l)(1) authorizes the Regional Water Board, with the Discharger's concurrence, to direct a portion of the penalty to be expended on a SEP in accordance with the State Water Board's Enforcement Policy (https://www.waterboards.ca.gov/water_issues/programs/enforcement/water_quality_enforcement.shtml). If the penalty is less than or equal to \$15,000, 100 percent of the penalty may be expended on a SEP. If the penalty exceeds \$15,000, then up to \$15,000 plus 50 percent of the penalty that exceeds \$15,000 may be expended on a SEP.

³ See *State Water Board Policy on Supplemental Environmental Projects (2017)*, page 10, and *Resolution 2018-0034*.

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

REGIONAL WATER BOARD CONTACT

Please reply to the attention of Debbie Phan, either by email or U.S. mail. If you want to discuss or have questions regarding this matter, please contact Debbie Phan at (510) 622-2116 or R2NPDES.MMPS@Waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Mumley', written in a cursive style.

Thomas Mumley
Assistant Executive Officer

**Enclosures: Exhibit A - Notice of Violation
Acceptance and Waiver**

EXHIBIT A - Notice of Violation

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

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

Table 1. List of Alleged Violations

CIWQS Violation ID No.	Violation Date	Parameter (units)	Group	Effluent Limitation	Reported Value	Percent Exceedance ^[1]	Violation Type	MMP ^[2]
1069633	12/18/2019	Biochemical Oxygen Demand (5-day @ 20°C), Daily Maximum (lbs/day)	1	6,700	10,817	61	S, C3 ^[3]	\$3,000
1069632	12/31/2019	Biochemical Oxygen Demand (5-day @ 20°C), Monthly Average (lbs/day)	1	2,200	3,309	50	S, C4 ^[3]	\$3,000

Total Penalty: \$6,000

Legend:

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

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

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

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

Footnotes:

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

[2] The MMP required under Water Code section 13385(h) and/or (i).

[3] Order No. R2-2020-1007 enforced against two violations that occurred within 180 days prior to December 31, 2019.

CIWQS Place ID: 212212

WDID: 2 071006001

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
ORDER NO. R2-20 _____**

**C&H Sugar Company, Inc. and Crockett Community Services District
C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community
Services District Philip F. Meads Water Treatment Plant
830 Loring Avenue, Crockett, Contra Costa County
NPDES Permit CA0005240, Regulatory Measure 439588**

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

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

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

This Acceptance and Waiver may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

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

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

or

R2NPDES.MMPS@Waterboards.ca.gov

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Acceptance of Conditional Resolution and Waiver of Right to Hearing
C&H Sugar Company, Inc. and Crockett Community Services District
Regulatory Measure: 439588

Payment Options:

- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
\$ _____ Amount to be paid to the SEP Fund (cannot exceed \$6,000)
\$ _____ Amount to be paid to the State Water Pollution Cleanup and Abatement Account (\$6,000 minus amount inserted above)
\$ 6,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- Option 2: Pay the total assessed mandatory minimum liability (\$6,000) to the State Water Pollution Cleanup and Abatement Account.

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

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

By: _____
Printed or typed name Title

Signature Date

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

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

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

Acceptance of Conditional Resolution and Waiver of Right to Hearing
C&H Sugar Company, Inc. and Crockett Community Services District
Regulatory Measure: 439588

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

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

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

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

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

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

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

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2020, by and between CROCKETT COMMUNITY SERVICES DISTRICT, P. O. BOX 578, Crockett, California, 94525, hereinafter called the "District" and L.R. Paulsell Consulting Inc., a sole proprietorship (corporation) PO Box 517, Crockett, California, 94525, hereinafter called the "Contractor".

WITNESSETH:

WHEREAS, the District has identified the need to clean and evaluate approximately 9,463 linear feet of sewer piping in various locations in Crockett and has provided personal site inspections as requested to the Contractor and defined the proposed work to be done.

WHEREAS, the Contractor confirms that he has carefully examined the location of the proposed work, and he has offered to provide all the labor, materials, necessary tools and equipment, apparatus, and other means of execution and to do all of the following work in the manner and time herein set forth for the completion of:

QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
1.	9,463 LF	Clean and televise 4" through 21" diameter gravity sewer, complete in place, per linear foot @	\$ <u>1.85</u>	\$ <u>17,506.55</u>
2.	EA	Reverse set-ups, complete in place, each @	\$ <u>250</u>	

The total amount of this bid is Seventeen Thousand Five Hundred Seven Dollars Even (\$17,507).

The Contractor understands that the estimate of cleaning and televising items hereinbefore set forth is approximate only, being given for the comparison of bids, and the District does not expressly or by implication agree that the actual amount of work will correspond therewith but reserves the right to increase the extent of any item of the work or to omit items of the work as may be deemed necessary or expedient by the General Manager and/or as required by funding limitations.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the Contractor hereby agrees to complete the work described in this Agreement at the price and on the terms and conditions herein contained, and the District agrees to pay the Contractor the contract price provided herein at the unit prices shown above for the fulfillment of the work described in this Agreement and the performance of the covenants set forth herein.

The further terms, conditions and covenants of the contract are set forth in the following which are made a part hereof.

A. The gravity sewers to be cleaned and inspected under this Agreement are identified in EXHIBIT B attached hereto and made apart hereof.

B. The Contractor shall provide sufficient skilled workmen and a supervisor who shall be present at all times during execution of the work and who shall be thoroughly familiar with the type of work involved and the materials and techniques specified.

C. Within ten (10) calendar days of the date of Notice of Award of Contract, the Contractor shall deliver to the District a signed Agreement together with (a) the insurance certificates executed as required; and (b) a work schedule for cleaning and televising.

D. The Contractor shall notify the District no less than one week in advance of the start date so that the General Manager can notify property owners and can witness the work being done.

E. The success of an inspection program is dependent on the ability to view the internal condition of the sewer line. Immediately prior to TV inspection the Contractor shall clean each sewer line, to include the removal of foreign materials from the pipe walls to obtain a clear picture of the internal condition of the line. It is understood that normal cleaning is defined as 2 pass high pressure cleaning. The General Manager must authorize any excess or heavy duty cleaning beyond the normal standard pipeline cleaning if separate billing is to be approved.

F. All sludge, dirt, sand, rocks, grease, roots and other solid or semisolid material resulting from the cleaning operation shall be removed at the downstream manhole of the section being clean. These materials may be disposed of at the District's pump station in Crockett if desired by the Contractor.

G. After cleaning, the sewer segments shall be video inspected and recorded by means of closed-circuit color television. Each sewer segment is identified by its upstream manhole code. The inspection shall be done one sewer segment at a time, from structure to structure. The contractor shall utilize TV inspection equipment properly sized for each pipe diameter to allow a clear, in-focus picture for a minimum of six linear feet of the entire inside periphery of the sewer pipe. The camera shall be moved through the line at a moderate rate, either by its own tractor power or by pulling with power winch or hydro equipment, at a steady speed no greater than 30 feet per minute. Manual methods such as a rope pull or a push camera will be used only when mechanical methods have been unsuccessful. If, during the inspection operation, the camera will not pass through the entire sewer segment, the Contractor shall set up his equipment so that the inspection can be performed from the opposite structure, a "reverse set-up".

H. Continuously displayed on the video monitor as part of the video presentation shall be a continuous forward read-out of the camera distance from the center of the manhole behind. The condition of the inverts at both ends of each run shall be shown. The camera shall pause at all pipe defects, sags, service connections, significant offsets and root intrusions, and infiltration points to allow a good look at these conditions. For pipelines 8" in diameter or larger the camera head shall be rotated as needed to provide information on whether each service connection is live or plugged.

I. Video recordings shall be provided to the District on DVD's or External USB in National Association of Sewer Service Companies ("NASSCO") certified Pipeline Assessment and Certification Program ("PACP") format, version 4.2 or higher, acceptable to the District. One such software is Pipeline Observation System Management ("POSUM"). Each video recording must be accompanied by a television inspection report. The report shall contain a separate data sheet for each sewer segment that identifies the section being televised, the flow and camera directions, and indicates the measured distance to each observed pipe defect, sag, service connection, significant offset and root intrusion, infiltration point, buried structure or other unusual condition, along with the clock position of each service connection. All recordings shall be the property of the District upon delivery.

J. Once work has begun, the Contractor shall diligently and continuously pursue the work to its successful completion.

K. Traffic control measures shall follow the requirements of the Contra Costa County Public Works Department.

L. To gain access to easements across private property, the Contractor shall notify the General Manager no less than two working days in advance, and the General Manager shall assist the Contractor with access.

M. The Contractor shall submit to the District each video recording as soon as it is full, accompanied by the required television inspection report for each run recorded on the DVD or External Device.

N. The General Manager shall decide all questions that may arise as to the quality or acceptability of materials furnished and work performed and as to the manner of performance and rate of progress of the work; all questions that may arise as to the interpretation of this Agreement; all questions as to the acceptable fulfillment of this Agreement on the part of the Contractor, and all questions as to compensation. The General Manager shall have authority to reject work that does not conform to this Agreement. His decision shall be final, and he shall have authority to enforce and make effective such decisions and orders as the Contractor fails to carry out promptly.

O. Payment shall be made for the completed work at the unit price bid, which price and payment shall constitute full compensation for furnishing all labor, materials, tools, equipment and incidentals necessary to complete the project. Payment shall be based on the length of pipe actually recorded on DVD for each sewer segment and shall not exceed the distance from center of manhole to center of manhole measured in a straight line above ground, as verified and approved by the General Manager. When the Contractor is prevented from completing a run due to an obstruction blocking the camera, the Contractor may attempt to televise that segment from the opposite direction. Payment for this item of work will be at the unit price for each "reverse set-up" required and approved by the General Manager.

P. Once each month the Contractor shall prepare an invoice for review and approval by the General Manager. The invoice shall detail only the work and pipeline footage contained on recordings already delivered to the District. Each invoice shall be paid within 30 days of the General Manager's approval, after deducting sums for unacceptable or incomplete work. No

payment shall be made when, in the judgment of the General Manager, the work is not progressing in accordance with the contract conditions.

Q. The Contractor shall possess a contractor's license at the time the contract is entered into. Attached hereto and incorporated herein as part of this agreement is the Contractor License Certification.

R. The Contractor agrees to comply with the General Conditions of this agreement, as set forth in EXHIBIT A, attached hereto and incorporated herein as part of this agreement. The District shall not be held liable for property damage resulting from Contractor's work.

S. Contractor agrees to complete all work and deliver all recordings to the District on or before December 30, 2020.

Executed this _____ day of _____, 2020, at Crockett, California.



, Contractor

CROCKETT SANITARY DEPARTMENT:

Scott Bartlebaugh, Sanitary Commission Chair

Attest:

Dale McDonald, General Manager

CONTRACTOR LICENSE CERTIFICATION

Pursuant to the Business and Professions Code of the State of California, Section 7030:

"Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractor's State License Board, 9821 Business Park Drive, Sacramento, California. Mailing Address: P.O. Box 26000, Sacramento, California 95826."

The undersigned Contractor certifies that it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California, and the number of said license is 849053, and the classification of said license is Class A, and the said license expires 10/31/2022.

L.R. Paulsell Consulting
Company Name

PO Box 517

Crockett, CA 94525
Business Address

By: [Signature]
Authorized Signature

Lloyd R. Paulsell
Type or Print Name

Owner
Title

Dated: 10/2/20

Corporate Seal
(If Contractor is a Corporation)

State of Incorporation:
California

CROCKETT SANITARY DEPARTMENT

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525

Telephone (510) 787-2992

Fax (510) 787-2459

e-mail: manager@town.crockett.ca.us

website: www.town.crockett.ca.us

MONTHLY SUMMARY WORKSHEET

PREPARED FOR BOARD MTC 10/28/20 LATEST FUND REPORT: 10-12-20

OPERATING FUND 3426		CONSTRUCTION FUND 3427	
CASH CARRIED FORWARD:	\$74,745.89	CASH CARRIED FORWAF	\$60,036.28
ACTIVITY:		ACTIVITY:	
Warrants (6240-6262)	(\$124,809.02)	No activity	\$0.00
Payroll recov to REC	\$0.00		
Prop Insurance reallc	\$0.00		
		CASH BALANCE:	\$60,036.28
Payroll recovery	\$0.00	INVESTED BEGIN BAL.	\$897,558.08
C&H SUC 1st qtr FY20,	\$49,173.99	No activity	\$0.00
Permit2 20-23 & 20-24	\$120.00		
Contractor Bonds	\$2,000.00		
Transfer from LAIF	\$500,000.00		
		INVESTED BALANCE:	\$897,558.08
CASH BALANCE:	\$501,230.86	FUND 3427 BALANCE:	\$957,594.36
ADV ON TAXES:			
060 Prop tax Beginnir	\$0.00		
No activity	\$0.00		
		CAPITAL RESERVE FUND 3429	
Ending Balance	\$0.00	CASH CARRIED FORWAF	\$263.00
160 Adv Supp Prop tax	\$0.00		
No activity	\$0.00	ACTIVITY:	
Ending Balance	\$0.00	No activity	\$0.00
		CASH BALANCE:	\$263.00
INVESTED BEG. BALANCE:	\$2,666,236.31	INVESTED BEGIN BAL.	\$71,063.87
Transfer to Cash	(\$500,000.00)	No activity	\$0.00
Ending Balance:	\$2,166,236.31	INVESTED BALANCE:	\$71,063.87
FUND 3426 BALANCE:	\$2,667,467.17	FUND 3429 BALANCE:	\$71,326.87
TAXES held in 3240:	\$330,372.89		
CO.charges in 3240:	\$0.00		
ACCURED DEBT OWED TO CVAN:		CONTRACTOR BONDS ON FILE:	
PCSAN DEPT.	\$452,196.85	30 contractors	\$30,500.00
MAINT DEPT.	\$0.00		

Commissioners: Howard Adams, Scott Bartlebaugh, Mark Manzione, Mary Wais, Jon Wolthuis

CROCKETT SANITARY DEPARTMENT

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Commissioners / Board of Directors
FROM: Sanitary Department Manager
SUBJECT: Crockett Sanitary Department Managers Report
DATE: October 13, 2020

The Crockett Sanitary Department Managers Report highlights items of interest that occurred between August 12, 2020 and September 9, 2020. The District offices remains closed to the public due to Coronavirus (COVID-19) orders. Social distancing and other safe practices recommended by the CDC and County Health Officer are being followed.

Operation and Maintenance

- There were no Sanitary Sewer Overflows (SSO) in September. Staff responded to two incidents since last month's report, one at the Crockett Pump Station; engine running, low water pressure, and air pressure tank alarm.

Capital Improvements / Projects

- Limited planning activity in September and October. No projects performed.

Administrative/Financial:

- We received the monthly SUC payment on October 2, of \$47,173.99 from Domino Food, Inc. (C&H).
- The maintenance management contact at WCWD is out for an undetermined amount of time. I made a new contact at WCWD but expect there to be some delays in information relay. A call log is in place to document contact with WCWD regarding pump station and EQ issues. There have been no changes with our contacts at the WCWD CSO team.
- General Manager McDonald spent 27% of his time towards Crockett Sanitary Department operations and 0% on Capital Projects in August. The rest of his time was spent on District business 62%, Recreation 5%, Port Costa 3%, Maintenance <1% and Hosselkus Chapel 3%. He worked a total of 176 hours in August with 0 hours of overtime.
- Sanitary Department Manager Barnhill spent 86% of his time towards Crockett Sanitary Department operations. The rest of his time, 14%, was spent on Port Costa business. He worked a total of 179 hours in September with 3 hours of overtime.
