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Attorneys for Complainant

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9**

75 Hawthorne Street  
San Francisco, California 94105

IN THE MATTER OF:	)	DOCKET NO. UIC-09-2023-0020
	)	
Imperial Irrigation District	)	
Imperial, California	)	
	)	<b>CONSENT AGREEMENT</b>
Respondent.	)	<b>AND</b>
	)	<b>FINAL ORDER</b>
	)	
Proceedings under Sections 1423(c) of the	)	
Safe Drinking Water Act,	)	
42 U.S.C. §§ 300h-2(c).	)	
	)	

**CONSENT AGREEMENT**

**I. AUTHORITIES AND PARTIES**

1. This is an administrative action commenced and concluded under Section 1423(c) for Class I wells of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c)(1), and Sections 22.13(b), 22.18(b)(2) and (3), and 22.45 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is, by lawful delegation, the Director of the Enforcement and

Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 9.

3. Respondent is the Imperial Irrigation District, a political subdivision of the State of California.

4. Where the Parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CA/FO). *See* 40 C.F.R. § 22.13(b).

5. The Parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CA/FO, including the assessment of the civil penalty of \$67,110 and the compliance requirements specified below.

## II. JURISDICTION AND WAIVER OF RIGHT TO JUDICIAL REVIEW AND HEARING

7. Consistent with 40 C.F.R. § 22.18(b)(2), for the purpose of this proceeding, Respondent: admits the jurisdictional allegations of the CA/FO; neither admits nor denies the specific factual allegations contained in the CA/FO; consents to the assessment of the stated civil penalty, and to all conditions specified in the Consent Agreement; and waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

8. Respondent further waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to this CA/FO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Section 1423(c)(3) of the SDWA, 42 U.S.C. § 300h-2(c)(3); its right to seek federal judicial review of the CA/FO under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CA/FO; and its right to appeal this CA/FO under Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6). Respondent also consents to the issuance of this CA/FO without further adjudication.

### III. STATUTORY AND REGULATORY BACKGROUND

9. Section 1421 of the SDWA, 42 U.S.C. § 300h, requires that the Administrator of EPA promulgate regulations, which shall include permitting requirements as well as inspection, monitoring, recordkeeping, and reporting requirements, for state underground injection control (UIC) programs to prevent underground injection which endangers drinking water sources.

10. Pursuant to Sections 1421 and 1422 of the SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124, 144, 146, 147 (Subpart M), and 148.

11. 40 C.F.R. § 144.1(g) provides that the UIC programs regulate underground injection by six classes of wells and all owners or operators of these injection wells must obtain authorization for injection activity associated with these wells either by permit or rule. Class I wells include (1) wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water, (2) other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water, and (3) radioactive waste disposal wells which inject fluids below the lower most formation containing an underground source of drinking water within one quarter mile of the well bore. 40 C.F.R. § 144.6(a)(1)-(3).

12. Section 1421(d)(1) of the SDWA, 42 U.S.C. § 300h(d)(1), defines “underground injection” as the subsurface emplacement of fluids by well injection and excludes the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations

related to oil, gas, or geothermal production activities.

13. Section 1401(6) of the SDWA, 42 U.S.C. § 300f(6), and 40 C.F.R. § 144.3 define “contaminant” as any physical, chemical, biological, or radiological substance or matter in water.

14. 40 C.F.R. § 144.3 defines “fluid” as any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

15. 40 C.F.R. § 144.3 defines “well” as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

16. 40 C.F.R. § 144.3 defines “well injection” to mean the subsurface emplacement of fluids through a well.

17. 40 C.F.R. § 144.3 defines “permit” as an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 C.F.R. Parts 144, 145, 146 and 124.

18. Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), defines “person” as an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency). *See also* 40 C.F.R. § 144.3.

19. 40 C.F.R. § 144.3 defines “owner or operator” to mean the owner or operator of any “facility or activity” subject to regulation under the UIC program. Pursuant to Sections 1421 and 1422 of SDWA, 42 U.S.C. §§ 300h and 300h-1, respectively, EPA has promulgated UIC regulations at 40 C.F.R. Parts 124 and 144 through 148.

20. 40 C.F.R. § 144.51(a) provides that any UIC permittee must comply with all conditions of its permit. Any permit noncompliance constitutes a violation of SDWA and is

grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under 40 C.F.R. § 144.34.

21. 40 C.F.R. § 144.51(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

22. C.F.R. § 144.51(l)(6) requires the Permittee to report any noncompliance which may endanger health or the environment within 24 hours of the Permittee becoming aware of the circumstances surrounding the noncompliance, and a written submission within 5 days.

23. 40 C.F.R. § 144.51(q) requires owners or operators of Class I wells to “maintain mechanical integrity as defined in 40 C.F.R. § 146.8.” A Class I UIC well has mechanical integrity when “(1) There is no significant leak in the casing, tubing or packer; and (2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.” See 40 C.F.R. § 146.8.

24. The Respondent was issued Class I UIC Permit No. CA 10600002 on July 12, 2010, authorizing the injection of industrial non-hazardous fluids produced during electrical generation at the Facility. This permit expired after ten years and has been administratively extended as Permit No. R9UIC-CA1-FY20-2R (“the Permit”).

25. Part II.D.6.b. of the Permit states that “[t]he Permittee shall maintain a minimum pressure of one hundred (100) psig at shut-in conditions on the tubing/casing annulus.”

26. Part II.D.6.d. of the Permit states that “Any annular pressure measured outside of the established normal pressure range... shall be reported orally to EPA within twenty-four (24) hours, followed by a written submission within five (5) days, as a potential loss of mechanical integrity.”

27. Part II.E.3.a. of the Permit states that the Permittee shall conduct continuous monitoring for injection rate, total cumulative volume, wellhead injection pressure, annular pressure, and injection fluid temperature at a “minimum frequency of at least one (1) data point every sixty (60) seconds”; and daily injection volume.

28. Under Section 1423(c)(1) of the SDWA, 42 U.S.C. § 300h-2(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$25,076 for each day of violation, up to a maximum administrative penalty of \$313,448 for violations occurring after November 2, 2015 and where penalties are assessed on or after January 12, 2022. Under Section 1423(c)(1) of the SDWA, 42 U.S.C. § 300h-2(c)(1), EPA may also issue an order requiring compliance.

#### IV. FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

29. Respondent is a political subdivision of the State of California, created in 1911 under the California Irrigation District Act. Respondent is thus a “municipality” as defined by 42 § 300f(10), and as such is a “person” as that term is defined at Section 1401(12) of SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

30. Respondent owns and operates two Class I injection wells, IW-1 and IW-3 (collectively “injection wells”), at the El Centro Generating Station (the Facility or ECGS) pursuant to the Facility’s Underground Injection Control (UIC) permit No. R9UIC-CA1-FY20-2R.

31. From April through June 2020, well IW-1’s annular pressure dropped below 100PSI twice and well IW-3’s annular pressure dropped below 100PSI once.

32. Respondent failed to report the listed drops in annular pressure referenced in Paragraph 31 to EPA orally within 24 hours or within 5 days in writing.

33. During 2020, there were fourteen occurrences of missing continuous monitoring

data, ranging in length from 0:01:15-1:00:15 (hours, minutes, seconds).

34. Each day that Respondent failed to maintain minimum annular pressure as required by Part II.D.6.b. of the Permit constitutes a violation of 40 C.F.R. §§ 144.51(a) and 144.51(q).

35. Each day that Respondent failed to report losses in annular pressure to EPA within 24 hours orally or within 5 days in writing as required by Part II.D.6.b. of the Permit constitutes a violation of 40 C.F.R. §§ 144.51(a) and 144.51(l)(6).

36. Each day that Respondent failed to continuously monitor as required by Part II.E.3.a. of the Permit constitutes a violation of 40 C.F.R. § 144.51(a).

## V. SETTLEMENT TERMS

### A. Civil Penalty

37. Section 1423(c)(4)(B) of the SDWA, 42 U.S.C. 300h-2(c)(4)(B), requires the Administrator to take into account the seriousness of the violation, the economic benefit (if any) resulting from the violation, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require, when assessing a civil penalty for violations of the SDWA.

38. Within thirty (30) days of the Effective Date of this CA/FO, Respondent must pay a civil penalty of SIXTY-SEVEN THOUSAND ONE HUNDRED TEN DOLLARS (\$67,110) by sending a check (mail or overnight delivery), wire transfer, automated clearing house, or online payment. Payment instructions are available at:

<http://2.epa.gov/financial/makepayment>.

For checks sent by regular U.S. Postal Service mail: sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties

Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

For checks sent by express mail (non-U.S. Postal Service which won't deliver mail to P.O. Boxes): sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must state Respondent's name and the docket number of this CA/FO.

For electronic funds transfer: electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045

The comment or description field of the electronic funds transfer must state Respondent's name and the docket number of this CA/FO.

For Automated Clearinghouse (ACH), also known as REX or remittance express: ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22-checking

The comment area of the electronic funds transfer must state Respondent's name and the docket number of this CA/FO.

To pay on-line, go to [www.pay.gov](http://www.pay.gov). Use the Search Public Forms option on the tool bar



and enter SFO 1.1 in the search field. Open the form and complete the required fields.

39. Concurrently with payment, Respondent shall provide proof of payment, using the method described in Paragraph 38, to the Regional Hearing Clerk and EPA at the following address:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 9 - Office of Regional Counsel  
[R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

Respondent shall also send notice of payment and transmittal letter via email to the EPA Region 9 Enforcement and Compliance Assurance Division's Enforcement Officer and the EPA Region 9 Office of Regional Counsel attorney in accordance with Paragraphs 55 and 56.

40. This civil penalty represents an administrative civil penalty and shall not be deductible for purposes of federal taxes. 26 U.S.C. § 162(f).

41. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, in addition to any stipulated penalties due under Section V.C, below, Respondent must pay the following on any amount overdue under this CA/FO: interest accrued on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings; a \$15 handling charge fee each month that any portion of the penalty is more than thirty (30) days past due; and 6% per year penalty on any principal amount ninety (90) days past due.

42. If Respondent does not pay timely the civil penalty due under Paragraph 38 and/or any stipulated penalties due under Section V.C, below, EPA may request the United States Department of Justice bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the

collection action under Section 1423(c)(7) of the SDWA, 42 U.S.C. § 300h- 2(c)(7). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

### **B. Compliance Requirements**

43. As required by Section 1423(c)(1) of the Act, 42 U.S.C. § 300h-2(c)(1), and consistent with the timeframes set forth below, Respondent shall:

- a. Within thirty (30) days of the effective date of the CA/FO, submit an inventory for all devices or gauges involved in recording wellhead injection pressure, annular pressure, and daily flow rate (*e.g.*, injection well flow meters), as well as a calibration certificate for each device or gauge, along with a description of the current functionality of each device or gauge;
- b. Within ninety (90) days of the effective date of the CA/FO, replace or calibrate all monitoring devices or gauges involved in recording wellhead injection pressure, annular pressure, and daily flow rate (*e.g.*, injection well flow meters), which have not been calibrated within the past twelve (12) months and/or where there are identified functionality problems or issues;
- c. Within ninety (90) days of the effective date of the CA/FO, identify all problems with the data acquisition system causing the failure to continuously monitor annular pressure and fix each identified problem;
- d. Within one hundred twenty (120) days of the effective date of the CA/FO, submit a report of any deficiencies or problems identified and all work performed to meet the requirements of Paragraphs 43(a-c);
- e. From ninety (90) days to three hundred sixty-five (365) days from the effective date of the CA/FO, if Respondent has any new violations of Part II.D.6.b. or Part II.E.3.a. of the Permit, Respondent shall immediately assess and address the cause of the violation within sixty (60) days of its occurrence, provided the cause can be

addressed within sixty (60) days based on the availability of parts, labor or other necessary items; if not, then Respondent will notify EPA of the minimum time necessary to address the cause, and upon written approval by EPA the approved time will become the enforceable time period for addressing the cause of the violation; and

- f. Within thirty (30) days of addressing the cause as described in Paragraph 43(e), above, Respondent shall submit a report to EPA of the assessment of the monitoring system, along with a description of any steps taken to address the cause of the deficiency causing the Permit violation.

44. Respondent shall inform the EPA in writing if any new information or circumstances cause Respondents to modify any planned actions or schedule for achieving compliance with paragraph 43 of this Consent Order.

45. Meeting the compliance requirements of section B of the CA/FO in no way precludes or inhibits any action by EPA for violations of the terms of the permit.

### **C. Stipulated Penalties**

46. Respondent shall pay stipulated penalties in accordance with this Section for any violations of this CA/FO. EPA will not impose stipulated penalties pursuant to Section V.C of this CA/FO for performance of a task during any time period covered by an extension of time for that task granted pursuant to Paragraph 54.

47. If Respondent fails to make the payment specified in Section V.A of this CA/FO or fails to meet the compliance deadlines specified in Section V.B of this CA/FO, Respondent agrees to pay in addition to the assessed penalty, a stipulated penalty of \$300 per day for each day the Respondent is late in making the penalty payment or meeting the deadlines.

48. If Respondent fails to timely submit any reports required by this CA/FO, in

accordance with the timelines set forth in this CA/FO, Respondent agrees to pay a stipulated penalty of \$100 for each day after the report was due until it submits the report in its entirety.

49. Respondent agrees to pay any stipulated penalties within thirty (30) days of receipt of EPA's written demand for such penalties. All penalties shall begin to accrue on the first date of noncompliance and shall continue to accrue through the date of completion of the delinquent CA/FO requirement. Respondent will use the method of payment specified in Paragraph 38 of this CA/FO and agrees to pay interest, handling charges, and penalties that accrue for late payment of the stipulated penalty in the same manner as set forth in Paragraph 38 of this CA/FO.

50. Neither the demand for, nor payment of, a stipulated penalty relieves Respondent of its obligation to comply with any requirement of this CA/FO or modifies or waives any deadlines set forth in this CA/FO.

51. EPA may, in the unreviewable exercise of its discretion, elect to pursue any other administrative or judicial remedies in addition to or in lieu of assessing stipulated penalties and/or reduce or waive stipulated penalties due under this CA/FO.

#### **D. Force Majeure**

52. For purposes of this CA/FO, Force Majeure is defined as any event arising from causes that are beyond the control of Respondent, any entity controlled by Respondent, or Respondent's contractors, which delays or prevents the performance of any obligation under this CA/FO despite Respondent's reasonable best efforts to fulfill the obligation. The requirement that Respondent exercise "reasonable best efforts to fulfill the obligation" includes using reasonable best efforts to anticipate any potential Force Majeure event and reasonable best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or

minimize any resulting delay to the greatest extent possible. Examples of Force Majeure events include, but are not limited to, unforeseen environmental, geological, or archaeological conditions; or pandemics, epidemics, or disease. Examples of events that are not Force Majeure include, but are not limited to, increased costs or expenses of any work to be performed under this CA/FO and normal inclement weather.

53. Respondent shall exercise its best efforts to avoid or minimize any delay and any effects of a delay. If any event occurs which causes or may cause delays meeting the deadlines set forth in this CA/FO, Respondent or its attorney shall, within two (2) business days of the delay or within three (3) business days of Respondent's knowledge of the anticipated delay, whichever is earlier, notify EPA by email in accordance with Paragraph 55. Within fifteen (15) days thereafter, Respondent shall provide in writing the reasons for the delay, the anticipated duration of the delay, the measures taken or to be taken to prevent or minimize the delay, and a timetable by which those measures will be implemented. Failure to comply with the notice requirement of this paragraph shall preclude Respondent from asserting any claim of Force Majeure.

54. If EPA agrees in writing that the delay or anticipated delay in compliance with this CA/FO has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance may be extended for the period of the delay resulting from the circumstances causing the delay. In such event, EPA will grant, in writing an extension of time. An extension of the time for performing an obligation granted by EPA pursuant to this paragraph shall not, of itself, extend the time for performing a subsequent obligation.

## VI. SUBMISSIONS REQUIREMENTS

55. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this CA/FO must be submitted to EPA electronically, to the extent

possible. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested). Electronic submissions must be sent to the following addresses: Scavello.grant@epa.gov and Jackson.Julia@epa.gov. The subject line of all email correspondence must include the facility name, docket number, and subject of the deliverable. All electronically-submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. Mailed submissions must be sent to the following addresses:

Grant Scavello  
U.S. Environmental Protection Agency Region IX  
Enforcement and Compliance Assurance Division  
75 Hawthorne Street (ENF-3-1)  
San Francisco, CA 94105

Julia Jackson, Attorney Advisor  
U.S. Environmental Protection Agency  
Region 9, Office of Regional Counsel  
75 Hawthorne Street (ORC-2-3)  
San Francisco, CA 94105

56. All reports, notifications, documentation, and submissions must be signed by a duly authorized representative of Respondent and shall include the following statement consistent with 40 C.F.R. § 144.32(d):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

57. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signee must notify EPA immediately. Knowingly submitting false information to EPA in response to this CA/FO may subject Respondent to criminal prosecution under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), as well as 18

U.S.C. §§ 1001 and 1341.

58. Submissions required by this CA/FO shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

59. EPA may use any information submitted in accordance with this CA/FO in support of an administrative, civil, or criminal action against Respondent.

60. The information required to be submitted pursuant to this CA/FO is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

## VII. GENERAL PROVISIONS

61. Full payment of the penalty as described in Paragraph 38, above, and full compliance with this CA/FO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in this CA/FO. Violation of this CA/FO shall be deemed a violation of SDWA for purposes of Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b).

62. The Parties consent to service of this CA/FO by e-mail at the following valid e-mail addresses: Scavello.grant@epa.gov (for Complainant) and [jlasbury@IID.com](mailto:jlasbury@IID.com) and [ngranquist@downeybrand.com](mailto:ngranquist@downeybrand.com) (for Respondent).

63. This CA/FO, inclusive of all exhibits, appendices, and attachments, is the entire agreement between the Parties.

64. The provisions of this CA/FO shall apply to and be binding upon Respondent, its officers, directors, agents, servants, authorized representatives, employees, and successors or assigns. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO except for extensions of time to complete such obligations provided by EPA pursuant to paragraph 53 above.

65. Full compliance with this CA/FO does not in any manner affect the right of EPA to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law, except with respect to the claims described in Section IV that have been specifically resolved by this CA/FO.

66. This CA/FO is not a permit or modification of a permit and does not affect Respondent's obligation to comply with all federal, state, local laws, ordinances, regulations, permits, and orders. Issuance of, or compliance with, this CA/FO does not waive, extinguish, satisfy, or otherwise affect Respondent's obligation to comply with all applicable requirements of the SDWA, regulations promulgated thereunder, and any order or permit issued thereunder, except as specifically set forth herein.

67. Respondent certifies that it is complying with the SDWA and its implementing regulations.

68. EPA reserves any and all legal and equitable remedies available to enforce this CA/FO, as well as the right to seek recovery of any costs and attorneys' fees incurred by EPA in any actions against Respondent for noncompliance with this CA/FO.

69. Unless otherwise specified, the Parties shall each bear their own costs and attorneys' fees incurred in this proceeding.

70. This CA/FO may be executed and transmitted by facsimile, email or other electronic means, and in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute an instrument. If any portion of this CA/FO is determined to be unenforceable by a competent court or tribunal, the Parties agree that the remaining portions shall remain in full force and effect.

71. The undersigned representative of each party certifies that he or she is duly and fully authorized to enter into and ratify this CA/FO.



72. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), performance of Section IV.B (Compliance Requirements) is restitution or required to come into compliance with law.

#### VIII. EFFECTIVE DATE

73. Pursuant to 40 C.F.R. § 22.45, this CA/FO will be subject to public notice and comment at least 40 days prior to it becoming effective through the issuance of the final order by the Regional Judicial Officer.


74. The parties acknowledge and agree that final approval by EPA of this CA/FO is subject to 40 C.F.R. § 22.45(c)(4), which sets forth requirements under which a person not a party to this proceeding may petition to set aside a consent agreement and final order on the basis that material evidence was not considered.

75. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on the date that the final order contained in this CA/FO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed with the Regional Hearing Clerk.

76. This CA/FO will terminate after Respondent has complied with all the terms of the CA/FO throughout its duration.

**Consent Agreement and Final Order  
In the Matter of Imperial Irrigation District, Docket No. UIC-09-2023-0020**

IMPERIAL IRRIGATION DISTRICT:

  
\_\_\_\_\_  
Enrique B. Martinez  
General Manager  
Imperial Irrigation District

Date: 5/31/23

**Consent Agreement and Final Order**  
**In the Matter of Imperial Irrigation District Docket No. UIC-09-2023-0020**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

**AMY MILLER-** Digitally signed by AMY  
MILLER-BOWEN  
**BOWEN** Date: 2023.06.02 09:26:37  
-07'00'

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Amy C. Miller-Bowen  
Director, Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency  
Region 9

**Consent Agreement and Final Order  
In the Matter of Imperial Irrigation District, Docket No. UIC-09-2023-0020**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the Parties, shall become effective on the date that it is filed with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. § 22.18, 22.31, and 22.45. IT IS SO ORDERED.

**BEATRICE  
WONG**

Digitally signed by BEATRICE  
WONG  
Date: 2023.06.15 14:57:10 -07'00'

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Beatrice Wong                      Date  
Regional Judicial Officer  
U.S. EPA Region IX

