

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2009-0552

MANDATORY PENALTY  
IN THE MATTER OF

NEVADA COUNTY SANITATION DISTRICT NO. 1  
LAKE OF THE PINES WASTEWATER TREATMENT PLANT  
NEVADA COUNTY

This Order is issued to Nevada County Sanitation District No. 1, Lake of the Pines (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders 95-114 and R5-2002-0095 (NPDES No. CA0081612).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service for the community of Lake of the Pines. Treated wastewater is discharged to Magnolia Creek, tributary to the Bear River, a water of the United States.
2. On 26 May 1995, the Central Valley Water Board issued WDRs Order 95-114 to regulate discharges of waste from the wastewater treatment plant (WWTP). On 7 June 2002, the Central Valley Water Board issued WDRs Order R5-2002-0095, which contained new requirements and rescinded WDRs Order 95-114.
3. On 7 June 2002, the Central Valley Water Board issued Cease and Desist Order (CDO) R5-2002-0096, requiring the Discharger to cease discharging contrary to WDRs Order R5-2002-0095. The Central Valley Water Board issued CDO R5-2002-0096 to allow the Discharger until 30 April 2007 to complete construction to comply with Effluent Limitations for aluminum, ammonia, nitrate plus nitrite, and nitrite.
4. On 22 June 2007, the Central Valley Water Board issued Time Schedule Order (TSO) R5-2007-0072. This Order allows the Discharger until 1 April 2008 to comply with final effluent limitations, and includes interim effluent limitations for BOD, total suspended solids, and total coliform organisms. The interim effluent limitations remain in effect until 1 April 2008, or when the Discharger is able to come into compliance with the final effluent limitations, whichever is sooner. This Order considered the interim effluent limitations and the protection from Mandatory Minimum Penalties provided by CDO R5-2002-0096 and TSO R5-2007-0072.
5. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC 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.

CWC 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.

CWC section 13385(i)(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 violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement 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 Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

6. CWC section 13385(l) allows a discharger to complete a Supplemental Environmental Project (SEP) in lieu of paying the full amount of a mandatory penalty, and states, in relevant part:

(l)(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a “supplemental environmental project” means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.

7. WDRs Order 95-114 Effluent Limitations No. B.2. include, in part, the following effluent limitations: *“The discharge to Magnolia Creek of an effluent in excess of the following limits is prohibited:”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD <sup>1</sup>	mg/L	15	20	--	30
	lbs/day <sup>2</sup>	90	120	--	180
Total Suspended Solids	mg/L	15	20	--	40
	lbs/day <sup>2</sup>	90	120	--	240
<u>Total Coliform Organisms</u>	MPN/100 mL	--	--	2.2	23

<sup>1</sup> 5-day, 20°C biochemical oxygen demand (BOD)

<sup>2</sup> Based upon a design treatment capacity of 0.72 mgd.

8. WDRs Order R5-2002-0095 Effluent Limitations B.1. include, in part the following effluent limitations: *“Effluent discharge to Magnolia Creek shall not exceed the following limitations:”*

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Median Monthly</u>	<u>Average Weekly</u>	<u>Average Daily</u>	<u>Daily Maximum</u>
BOD <sup>1</sup>	mg/L	15 <sup>2</sup>	--	20 <sup>2</sup>	30 <sup>2</sup>	--
	lbs/day <sup>3</sup>	90	--	120	180	--
Total Suspended Solids	mg/L	15 <sup>2</sup>	--	20 <sup>2</sup>	40 <sup>2</sup>	--
	lbs/day <sup>3</sup>	90	--	120	240	--
Settleable Solids	mL/L	0.1	--	--	0.2	--
<u>Total Coliform Organisms</u>	MPN/100 mL	--	2.2	--	--	23

<sup>1</sup> 5-day, 20°C biochemical oxygen demand (BOD)

<sup>2</sup> To be ascertained by a 24-hour composite

<sup>3</sup> Based upon a design treatment capacity of 0.72 mgd ( $x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$ )

<u>Constituents</u>	<u>Units</u>	<u>Average Monthly</u>	<u>Average 4-day</u>	<u>Average Daily</u>	<u>Average 1-Hour</u>
Ammonia (as N)	mg/L	Attachment B	--	--	Attachment C
	lbs/day <sup>2</sup>	--	--	--	--
Aluminum	µg/L	--	87	--	750
	lbs/day <sup>1</sup>	--	0.522	--	4.5

<sup>1</sup> Based upon a design treatment capacity of 0.72 mgd ( $x \text{ mg/L} \times 8.345 \times 0.72 \text{ mgd} = y \text{ lbs/day}$ )

<sup>2</sup> The mass limit (lb/day) for ammonia shall be equal to the concentration limit (from Attachments) multiplied by the design flow of 0.72 mgd and the unit conversion factor of 8.345 (see footnote 1 for equation).

9. According to the Discharger’s self-monitoring reports, the Discharger committed thirty-one (31) serious Group I violations of the above effluent limitations contained in Orders 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending

31 March 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **ninety-three thousand dollars (\$93,000)**.

10. According to the Discharger's self-monitoring reports, the Discharger committed twenty-two (22) non-serious violations of the above effluent limitations contained in Orders 95-114 and R5-2002-0095 during the period beginning 1 January 2000 and ending 31 March 2008. Twelve (12) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **thirty-six thousand dollars (\$36,000)**.
11. The total amount of the mandatory penalties assessed for the cited effluent violations is **one hundred twenty-nine thousand dollars (\$129,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Order.
12. On 28 July 2008, Assistant Executive Officer Jack Del Conte issued ACL Complaint R5-2008-0553, assessing \$129,000 in mandatory minimum penalties against the Discharger. The Discharger did not pay the penalty and asked that the matter be heard before the Central Valley Water Board.
13. On 24 October 2008, the Central Valley Water Board directed the Board's prosecution team to work with the Discharger to develop a mutually acceptable SEP. After arms-length negotiations, the Discharger and the Central Valley Water Board's prosecution team arrived at a mutually acceptable resolution of the Complaint.
14. The ACL Complaint will be resolved as follows: The Discharger will pay \$82,000 to the *State Water Pollution Control Cleanup and Abatement Account*, and will complete the Supplemental Environmental Project (SEP) in the time frame described in Attachment B, a part of this Order, funding \$47,000 with penalty money. The proposed settlement takes into account the factors cited in CWC section 13385(e) and the State Water Resources Control Board's *Water Quality Enforcement Policy*.
15. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, in a newspaper of general circulation in the community, and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.
16. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the 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(a)(2).

**NEVADA COUNTY SANITATION DISTRICT NO. 1 IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**.
2. The Discharger will remit payment for **eighty-two thousand dollars (\$82,000)** of the imposed civil liability by check, which shall contain a reference to "ACL Order R5-2009-0552" and shall be made payable to the "*State Water Pollution Cleanup and Abatement Account*." This payment must be received by the Central Valley Water Board **by 24 August 2009**.
3. Of the \$129,000 assessed penalty, \$47,000 shall be suspended, pursuant to CWC section 13385(l), pending completion of a Supplemental Environmental Project (SEP). The SEP chosen by the Discharger is titled Pilot Biosolids/Green Waste Composting and Environmental Remediation. A summary of the SEP Project Description, which includes a list of deliverables that will be submitted to the Central Valley Water Board throughout the project, can be found as Attachment B, a part of this Order. **By 24 August 2009**, the Discharger shall place the \$47,000 into an account specifically established to fund this SEP.
4. If the Discharger determines through the Feasibility Determination that it is not feasible or environmentally beneficial to continue with the SEP, then by **30 March 2010**, the Discharger shall submit a post-project accounting of all expenditures, as well as a check to cover the difference between the suspended penalty and the SEP expenses. The check shall be for at least \$41,500, and shall contain a reference to "ACL Order R5-2009-0552" and shall be made payable to the "*State Water Pollution Cleanup and Abatement Account*."
5. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is satisfactorily completed. In addition, the Discharger is responsible for submitting all technical reports and quarterly progress reports by the due dates listed in Attachment B. The quarterly progress reports and the Final Report shall also be submitted to the State Water Resources Control Board, Division of Finance.
6. If the final cost of the successfully completed SEP is less than the suspended amount of \$47,000, the Discharger must remit the difference to the *State Water Pollution Cleanup and Abatement Account* by **10 February 2012**, or within 30 days of project completion, whichever comes first.
7. Consistent with the State Water Board's *Policy on Supplemental Environmental Projects*, the Discharger shall reimburse the Central Valley Water Board for the full cost of staff oversight of the SEP. Staff oversight costs are not part of the direct cost of the SEP. By **24 August 2009**, the Discharger shall provide documentation stating that it agrees to pay staff oversight costs, and the name and address to be used for billing purposes.
8. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds, publicize any element of a SEP project, they shall state in a prominent manner that

the project is being undertaken as part of the settlement of an enforcement action against the Discharger.

9. The Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines and makes the extension request in advance of the expiration of the deadline. The Discharger shall make any deadline extension request in writing. Any request for an extension not responded to in writing by the Central Valley Water Board shall be deemed denied. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project described in Attachment B. Failure to obtain written approval for any significant departures will result in the assessment of the actual cost difference between the portion of the project completed in conformity with the SEP described in Attachment B and the total amount of the suspended penalty.
10. If the Executive Officer determines that any of the tasks listed above are not satisfactorily completed by their respective due date (including any extensions approved by the Executive Officer), the Executive Officer may demand payment of the suspended liability that reflects the portion of the SEP that has not been satisfactorily completed. Payment shall be made via check made payable to the *State Water Pollution Cleanup and Abatement Account*, and shall be due within 30 days of the demand. The check shall have written upon it the number of this ACL Order.
11. Should the Discharger fail to take any of the above actions, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
12. This Order is final upon signature.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Original signed by Joe Karkoski  
for PAMELA C. CREEDON, Executive Officer

23 July 2009

DATE

Attachment A: Record of Violations  
Attachment B: Supplemental Environmental Project

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2009-0552**

**Nevada County Sanitation District No. 1  
Lake of the Pines Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000 – 31 March 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Programs 95-114 and R5-2002-0095)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
1	21-Jan-00	BOD	lbs/day	120	128	Weekly	1.16	5
2	23-Jan-00	BOD	lbs/day	120	162	Weekly	1.19	5
3	31-Jan-00	BOD	lbs/day	90	145	Monthly	0.59	1
4	13-Feb-00	BOD	lbs/day	120	216	Weekly	1.45	5
5	15-Feb-00	TCO	MPN/100 mL	23	900	Daily		3
6	17-Feb-00	BOD	lbs/day	180	260	Daily	1.51	5
7	17-Feb-00	TCO	MPN/100 mL	23	500	Daily		3
8	23-Feb-00	TCO	MPN/100 mL	23	130	Daily		4
9	28-Feb-00	BOD	lbs/day	90	108	Monthly	1.08	5
10	27-Jan-01	TSS	mg/L	20	21	Weekly		3
11	27-Jan-01	TSS	lbs/day	120	179	Weekly	0.86	5
12	31-Jan-01	TSS	mg/L	15	19	Monthly		3
13	31-Jan-01	TSS	lbs/day	90	120	Monthly	0.2	3
14	31-Mar-02	BOD	mg/L	90	91	Monthly		3
15	28-Sep-02	TSS	mg/L	20	22	Weekly		3
16	30-Sep-02	TSS	mg/L	15	22	Monthly		1
17	11-Feb-03	TSS	lbs/day	240	817	Daily	1.19	5
18	11-Feb-03	TSS	mg/L	40	82	Daily		1
19	15-Feb-03	TSS	lbs/day	120	413	Weekly	1.31	5
20	15-Feb-03	TSS	mg/L	20	43	Weekly		1
21	28-Feb-03	TSS	lbs/day	90	279	Monthly	0.54	1
22	28-Feb-03	TSS	mg/L	15	28	Monthly		1
23	9-Mar-03	BOD	lbs/day	120	149	Weekly	1.26	5
24	13-Mar-03	BOD	lbs/day	180	269	Daily	1.15	5
25	10-May-03	SS	mL/L	0.2	0.3	Daily		1
26	31-May-03	SS	mL/L	0.1	0.2	Monthly		1
27	27-Oct-03	SS	mL/L	0.2	0.5	Daily		1
28	28-Oct-03	SS	mL/L	0.2	0.5	Daily		1
29	29-Oct-03	SS	mL/L	0.2	0.5	Daily		1
30	30-Oct-03	SS	mL/L	0.2	0.5	Daily		1
31	31-Oct-03	SS	mL/L	0.2	0.5	Daily		1
32	31-Oct-03	SS	mL/L	0.1	0.5	Monthly		1
33	31-Oct-03	TSS	mg/L	15	23	Monthly		1
34	1-Nov-03	TSS	mg/L	20	23	Weekly		4
35	16-Dec-03	TCO	MPN/100 mL	23	30	Daily		4
36	17-Dec-03	BOD	lbs/day	180	188	Daily	1.25	5
37	17-Dec-03	BOD	lbs/day	120	127	Weekly	0.97	5
38	17-Dec-03	TSS	lbs/day	120	175	Weekly	0.97	5
39	31-Dec-03	BOD	lbs/day	90	117	Monthly	1.1	5
40	31-Dec-03	BOD	lbs/day	120	179	Weekly	1.34	5
41	31-Dec-03	TSS	lbs/day	90	130	Monthly	1.1	5
42	31-Dec-03	TSS	lbs/day	120	129	Weekly	1.34	5
43	2-Jan-04	BOD	lbs/day	120	143	Weekly	1.34	5
44	9-Jan-04	SS	mL/L	0.2	0.3	Daily		1
45	31-Jan-04	BOD	lbs/day	90	96	Monthly	0.85	5

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 NEVADA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
46	4-Feb-04	BOD	lbs/day	120	137	Weekly	1.3	5
47	4-Feb-04	TSS	lbs/day	120	170	Weekly	1.3	5
48	28-Feb-04	BOD	lbs/day	90	98	Monthly	1.21	5
49	17-Oct-04	TSS	lbs/day	120	125	Weekly	1.13	5
50	31-Oct-04	TSS	lbs/day	90	106	Monthly	0.79	5
51	31-Oct-04	TSS	mg/L	15	16	Monthly		3
52	31-Jan-06	BOD	lbs/day	90	101	Monthly	1.19	5
53	31-Jan-06	TSS	lbs/day	90	92	Monthly	1.19	5
54	1-Feb-06	BOD	lbs/day	180	269	Daily	1.33	5
55	3-Feb-06	BOD	lbs/day	180	269	Daily	1.31	5
56	3-Feb-06	BOD	lbs/day	120	269	Weekly	1.32	5
57	3-Feb-06	TSS	lbs/day	120	160	Weekly	1.32	5
58	8-Feb-06	BOD	lbs/day	180	269	Daily	0.57	1
59	10-Feb-06	BOD	lbs/day	120	269	Weekly	0.97	5
60	11-Feb-06	TSS	mg/L	20	25	Weekly		3
61	28-Feb-06	BOD	lbs/day	90	269	Monthly	1.16	5
62	28-Feb-06	BOD	mg/L	15	16	Monthly		3
63	28-Feb-06	TSS	mg/L	15	18	Monthly		4
64	28-Feb-06	TSS	lbs/day	90	146	Monthly	1.16	5
65	10-Mar-06	BOD	lbs/day	120	168	Weekly	1.43	5
66	15-Mar-06	BOD	lbs/day	180	200	Daily	1.41	5
67	16-Mar-06	BOD	lbs/day	180	246	Daily	1.41	5
68	17-Mar-06	BOD	lbs/day	120	223	Weekly	1.41	5
69	17-Mar-06	TSS	lbs/day	120	128	Weekly	1.41	5
70	22-Mar-06	BOD	lbs/day	180	314	Daily	1.39	5
71	24-Mar-06	BOD	mg/L	30	38	Daily		4
72	24-Mar-06	BOD	lbs/day	180	437	Daily	1.38	5
73	24-Mar-06	BOD	lbs/day	120	376	Weekly	1.39	5
74	25-Mar-06	BOD	mg/L	20	23	Weekly		4
75	28-Mar-06	BOD	lbs/day	180	296	Daily	1.36	5
76	31-Mar-06	BOD	lbs/day	180	367	Daily	1.42	5
77	31-Mar-06	BOD	mg/L	30	31	Daily		4
78	31-Mar-06	BOD	lbs/day	90	240	Monthly	1.41	5
79	31-Mar-06	BOD	mg/L	15	19	Monthly		4
80	31-Mar-06	BOD	lbs/day	120	332	Weekly	1.42	5
81	31-Mar-06	BOD	mg/L	20	29	Weekly		1
82	31-Mar-06	TSS	lbs/day	90	96	Monthly	1.41	5
83	1-Apr-06	BOD	mg/L	20	25	Weekly		4
84	5-Apr-06	BOD	mg/L	30	33	Daily		4
85	5-Apr-06	BOD	lbs/day	180	269	Daily	1.46	5
86	6-Apr-06	BOD	lbs/day	180	269	Daily	1.43	5
87	6-Apr-06	BOD	lbs/day	120	269	Weekly	1.42	5
88	13-Apr-06	BOD	lbs/day	180	269	Daily	1.44	5
89	14-Apr-06	BOD	lbs/day	180	307	Daily	1.42	5
90	14-Apr-06	BOD	mg/L	19	26	Weekly		4

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
91	14-Apr-06	BOD	lbs/day	120	288	Weekly	1.43	5
92	20-Apr-06	BOD	lbs/day	180	269	Daily	1.35	5
93	21-Apr-06	BOD	lbs/day	180	269	Daily	1.36	5
94	21-Apr-06	BOD	lbs/day	120	269	Weekly	1.38	5
95	30-Apr-06	BOD	mg/L	15	22	Monthly		1
96	30-Apr-06	BOD	lbs/day	90	247	Monthly	1.38	5
97	3-Feb-07	BOD	lbs/day	180	269	Daily	1.3	5
98	3-Feb-07	BOD	lbs/day	120	269	Weekly	1.3	5
99	4-Feb-07	BOD	lbs/day	120	269	Weekly	1.35	5
100	7-Feb-07	BOD	lbs/day	180	269	Daily	1.33	5
101	8-Feb-07	BOD	lbs/day	180	269	Daily	1.38	5
102	11-Feb-07	BOD	lbs/day	120	203	Weekly	1.36	5
103	15-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
104	18-Feb-07	BOD	lbs/day	120	269	Weekly	1.24	5
105	21-Feb-07	BOD	lbs/day	180	269	Daily	1.31	5
106	23-Feb-07	BOD	lbs/day	180	269	Daily	1.25	5
107	28-Feb-07	BOD	lbs/day	90	224	Monthly	1.31	5
108	19-Dec-07	Aluminum	lbs/day	0.52	2.8	4-day	0.86	5
109	19-Dec-07	Aluminum	µg/L	87	432	4-day		1
110	30-Dec-07	Ammonia	lbs/day	35.5	80	Monthly	0.86	5
111	30-Dec-07	Ammonia	mg/L	5.91	8	Monthly		4
112	02-Jan-08	Aluminum	lbs/day	0.52	1.42	4-day	0.80	5
113	02-Jan-08	Aluminum	µg/L	87	214	4-day		1
114	09-Jan-08	Aluminum	lbs/day	0.522	4.98	4-day	1.05	5
115	09-Jan-08	Aluminum	µg/L	87	568	4-day		1
116	16-Jan-08	Aluminum	lbs/day	0.52	2.14	4-day	1.07	5
117	16-Jan-08	Aluminum	µg/L	87	240	4-day		1
118	22-Jan-08	Aluminum	lbs/day	0.52	1.40	4-day	1.06	5
119	22-Jan-08	Aluminum	µg/L	87	158	4-day		1

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 LAKE OF THE PINES WASTEWATER TREATMENT PLANT  
 NEVADA COUNTY

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Flow Rate*</u>	<u>Remarks</u>
12								
0	29-Jan-08	Aluminum	lbs/day	0.52	1.47	4-day	0.82	5
12								
1	29-Jan-08	Aluminum	µg/L	87	215	4-day		1
12								
2	06-Feb-08	Aluminum	lbs/day	0.52	1.1	4-day	0.71	1
12								
3	06-Feb-08	Aluminum	µg/L	87	186	4-day		1
12								
4	13-Feb-08	Aluminum	lbs/day	0.52	1.2	4-day	0.79	5
12								
5	13-Feb-08	Aluminum	µg/L	87	175	4-day		1
12								
6	28-Feb-08	Aluminum	lbs/day	0.52	0.9	4-day	0.5	1
12								
7	28-Feb-08	Aluminum	µg/L	87	215	4-day		1
12								
8	29-Feb-08	Ammonia	lbs/day	37	93	Monthly	0.73	5
12								
9	29-Feb-08	Ammonia	mg/L	6.12	16	Monthly		1

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass rate limitation exceedances due only to wet weather not assessed MMPs as the permit limit is based on the dry weather design treatment capacity of 0.72 mgd.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>3/31/2008</u></b>
Group I Serious Violations:	31
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	10
Non-serious Violations Subject to MPs:	12
Mass Limit Violations Not Subject to MPs:	76
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>43</u></b>

**Mandatory Minimum Penalty = (31 Serious Violations + 12 Non-Serious Violations) x \$3,000 = \$129,000**

\*Arithmetic mean of all 1-day flow rates (in MGD) of effluent while discharging to surface waters. Values greater than 0.72 MGD are considered wet weather flows.

**Attachment B**  
**Administrative Civil Liability Order No. R5-2009-0552**

**Proposed SEP Project Description**

**Project Title:** Pilot Biosolids/Green Waste Composting and Environmental Remediation

**Geographic area of interest:** Tahoe National Forest, including the Bear River watershed

**Name of responsible entity:** Nevada County Sanitation District No. 1 (Discharger), U.S. Forest Service, and Fire Safe Council of Nevada County

**Estimated cost for project completion:** The Discharger will pay the \$70,000 cost of the project. However, only \$47,000 will be considered as the suspended portion of the ACL; the remaining \$23,000 is the Discharger's cost savings in not disposing of biosolids for one year.

**Contact Information:**

Gordon Plantenga

Steve Eubanks

Joanne Drummond

Forest Supervisor

Executive Director

Nevada County Sanitation  
District No. 1

U.S. Forest Service

Fire Safe Council of  
Nevada County

950 Maidu Ave, Suite 290

631 Coyote Street

P.O. Box 1477

Nevada City, CA 95959

Nevada City, CA 95959-2250

Nevada City, CA 95959

(530) 265-7103

(530) 265-4531

(530) 272-1122

**Brief description of the project:**

During the late 1800's, hydraulic mining in Nevada County caused significant amounts of topsoil to be washed away. Many of the mining sites continue to be denuded of vegetation, allowing sediment to enter surface waters during each major rain event. The Discharger, Forest Service, and Fire Safe Council of Nevada County will work together to develop a pilot Biosolids/Green Waste Composting Facility. This project involves the creation of local compost, and the subsequent application of the compost to specific mine sites, under the direction of the Forest Service. By applying organic material to barren areas, vegetation can become established, and the hydraulically mined areas can be returned to vibrant forests capable of supporting native vegetation and preventing sediment erosion. The use of compost to revegetate barren soils is well established; however, it is not known whether compost has yet been used to restore hydraulically mined areas. This project will also allow locally-produced organic materials (yard trimmings, food scraps, and biosolids) to be treated as a valuable resource, which is more environmentally-friendly than the current practice of trucking it several hundred miles to be disposed of in a landfill. The Discharger will provide the biosolids and the composting site, the Fire Safe Council will provide the green waste, and the US Forest Service will provide the reclamation areas.

**Water body, beneficial use and/or pollutant addressed by this project:**

The SEP will benefit surface water quality by reclaiming mining sites or burn areas within the Tahoe National Forest.

**Project schedule, budget, and deliverables:**

1. Formal Agreement and Planning Documents. The Discharger will submit a formal agreement with the US Forest Service and Fire Safe Council of Nevada County, which will include an expanded scope of work and preliminary design documents for the composting facility. The design documents shall describe how the compost facility will be designed to prevent impacts to surface water and groundwater. The planning documents will also describe how mining or burn sites will be selected and monitored, and the actions that will be taken to prevent composted-impacted runoff from leaving these sites. The agreement will document that all SEP funds will be spent in accordance with the terms of the ACL Order, and that all parties agree to an audit of its SEP expenditures, if requested by the Water Board. This report will also include a detailed cost breakdown. Budget: \$5,500.  
**Due date: 30 January 2010.**
2. Feasibility Determination. If the Discharger determines that the Biosolids/Green Waste Composting Facility should not be undertaken, this information and the cost expended to make that determination would be provided to the Central Valley Water Board. **Due Date: 30 March 2010.**
3. Compost Facility Construction. The Discharger will submit a report including: the final design of the composting area, certification of construction of the composting area to the final design, the results of any composting to date (including bulk density sheets, temperature data, and sample results for each windrow), the volume of material composted to date, a description of the operator training program, and a detailed cost breakdown for this phase of work. Budget: \$27,500. **Due Date: 30 October 2010.**
4. Reclamation. The Discharger will submit a report including: the results of all composting to date (including bulk density sheets, temperature data, and sample results for each windrow), the volume of material composted to date, a list of the sites to which the compost was applied, the volume of compost applied to each, measures taken to prevent contaminated stormwater runoff from the sites, an evaluation of the environmental benefits of the project, and a detailed cost breakdown for this phase of work. Budget: \$14,000.  
**Due Date: 30 November 2011.**
5. Quarterly Progress Reports. Beginning with the Third Quarter 2009, the Discharger will submit quarterly progress reports by the **tenth day of the month following the end of each quarter** (i.e., the Third Quarter 2009 progress report will be submitted by 10 October 2009, and will cover the period from 1 July through 31 September 2009). Each progress report will describe the work completed during the quarter.
6. Final Report: The Discharger will submit a final report which will include a summary of all tasks completed, an analysis of the success of the project in terms of environmental restoration, and a post-project accounting of all expenditures. The accounting must clearly show whether the final cost of the successfully completed SEP is less than, equal to, or more than the suspended liability of \$47,000. The report must be completed under penalty of perjury, and serves as the last quarterly report required under this SEP. **Due date: 10 January 2012.**