

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0593

MANDATORY PENALTY
IN THE MATTER OF

PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 1
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 3
WASTEWATER TREATMENT PLANTS
PLACER COUNTY

This Order is issued to the Placer County Department of Facility Services (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Order. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders R5-2005-0074 and R5-2010-0092 (NPDES No. CA0079316) (Sewer Maintenance District No. 1) and Order R5-2007-0070 (NPDES No. CA0079367) (Sewer Maintenance District No. 3).

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

1. This Order resolves certain violations alleged in Administrative Civil Liability Complaints (ACLs) R5-2011-0507, R5-2011-0528 and R5-2011-0529 and effluent violations for the period 1 December 2010 through 31 May 2011, as identified in Attachments A and B to this Order, that occurred at two separate facilities owned and operated by the Discharger: Sewer Maintenance District No. 1 wastewater treatment plant, and Sewer Maintenance District No. 3 wastewater treatment plant.

**Placer County Department of Facility Services, Sewer Maintenance District No. 1
Wastewater Treatment Plant**

2. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the unincorporated area of North Auburn in Placer County. The wastewater treatment plant provides tertiary treatment when influent flows are 3.5 million gallons per day (mgd) or less and a mixture of secondary and tertiary treatment when flows are greater than 3.5 mgd. Treated municipal wastewater is discharged to Rock Creek, a water of the United States.
3. On 23 June 2005, the Central Valley Water Board issued WDRs Order R5-2005-0074, which contained new requirements and rescinded Order 97-113, except for enforcement purposes. The 2005 WDRs include effluent limitations and other requirements regarding the wastewater discharges. On 22 September 2010, the Board adopted WDRs Order R5-2010-0092, effective 11 November 2010. The 2010 WDRs include effluent limitations and other requirements regarding the wastewater discharges, and rescind the 2005 WDRs, except for enforcement purposes.

4. On 23 June 2005, the Central Valley Water Board issued Cease and Desist Order (CDO) R5-2005-0075. CDO R5-2005-0075 provided the Discharger until 1 March 2010 to comply with the effluent limitations for nitrate plus nitrite in WDRs Order R5-2005-0074. Thus, nitrate plus nitrite violations that occurred after 1 March 2010 are subject to mandatory minimum penalties (MMPs). WDRs Order R5-2010-0092 deletes the nitrate plus nitrite mass loading limitation effective 11 November 2010.
5. On 22 September 2010, the Central Valley Water Board adopted CDO R5-2010-0093. CDO R5-2010-0093 exempts the Discharger from MMPs for violations of the final effluent limitations for chlorodibromomethane and dichlorobromomethane, but does not provide protection from MMPs for aluminum, chloroform, nitrate plus nitrite, or nitrite.
6. On 2 January 2011, the Executive Officer of the Central Valley Water Board issued ACLC R5-2011-0507 for mandatory minimum penalties for effluent violations from 1 July 2010 through 30 September 2010. These specific violations are listed in Attachment A to ACLC R5-2011-0507. The Discharger signed a waiver of hearing and entered into negotiations to fund a supplemental environmental project in lieu of payment of a portion of the mandatory minimum penalties.
7. On 14 March 2011, the Executive Officer of the Central Valley Water Board issued ACLC R5-2011-0529 for mandatory minimum penalties for effluent violations from 1 October 2010 through 30 November 2010. These specific violations are listed in Attachment A to ACLC R5-2011-0529. The Discharger signed a waiver of hearing and entered into negotiations to fund a supplemental environmental project in lieu of payment of a portion of the mandatory minimum penalties.
8. On 28 March 2011, Central Valley Water Board staff issued the Discharger a draft Record of Violations. On 18 April 2011, the Discharger responded, agreed with the violations, and requested the violations be incorporated in this settlement Order. These specific violations are listed in Attachment A to this Order. The final ROV has been extended by four months and additional violations have been added.
9. 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, in part:

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.

10. WDRs Order R5-2005-0074 Effluent Limitations B.1. states, in part:

Effluent shall not exceed the following limits:

Constituent	Units	30-Day Average	4-Day Average ¹	1-hour Average ²	Daily Average
Aluminum	µg/L	58	--	--	160
Total Ammonia ⁴	mg/L	Attach. E ¹	Attach D	Attach. C	--
Chlorine Residual	mg/L	--	0.01	0.02	--
Total Nitrate plus Nitrite (as N)	mg/L	10	--	--	--
	lb/day ³	182	--	--	--
Chloroform	µg/L	1.1	--	--	--
	lbs/day ³	0.020	--	--	--

¹ Continuous Concentration (Chronic)

² Maximum concentration (Acute)

³ Based upon the Design Dry Weather Flow Rate of 2.18 mgd ($x \text{ mg/L} \times 8.345 \times 2.18 \text{ mgd} = y \text{ lbs/day}$).

⁴ Temperature and pH must be determined concurrently.

Note: Attachment C is a table entitled “pH Dependent Effluent Limitations For Ammonia Criteria Maximum Concentrations (CMC)”

Attachment D is a table entitled “Temperature and pH Dependent Effluent Limitations For Ammonia (2.5CCC)”

Attachment E is a table entitled “Temperature and pH Dependent Effluent Limitations For Ammonia ... (CCC)”

11. WDRs Order R5-2005-0074 Effluent Limitations B.2. states, in part:

When flow is less than or equal to 3.5 mgd:

Constituent	Units	Monthly Average	Weekly Average	7-Day Median	24-Hour Average	Daily Maximum
Total Coliform Organisms	MPN/100mL	--	--	2.2 ⁴	--	23/240 ⁵

⁴ 7-Day Median based on seven daily sample results

⁵ In a 30-day period, only a single sample may exceed 23 MPN/100 mL, and no sample shall exceed 240 MPN/100 mL

12. WDRs Order R5-2005-0074 Effluent Limitations B.4. states, in part:

Final Effluent Limitations for CTR Constituents:

Constituents	Units	30-Day Average	Daily Maximum
Bromodichloromethane	µg/L	0.56	--

13. WDRs Order R5-2010-0092, Final Effluent Limitations IV.A.1.a. states, in part:

Table 6. Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
<i>Non-Conventional Pollutants</i>						
Aluminum, Total Recoverable	µg/L	68	--	151	--	--
Chloroform	µg/L	1.1	--	--	--	--
Nitrate Plus Nitrite (as N)	mg/L	10	--	--	--	--

14. WDRs Order R5-2010-0092, Final Effluent Limitations IV.A.1.g. states, in part:

Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
- ii. 23 MPN/100 mL, more than once in any 30-day period; and
- iii. 240 MPN/100 mL as an instantaneous maximum.

15. WDRs Order R5-2010-0092, Interim Effluent Limitations IV.A.2.a.ii states, in part:

- ii. Total Coliform Organisms¹. When the influent flow is greater than 3.5 MGD and the 7-day median receiving water temperature at Monitoring Location RSW-001 (as described in the MRP) is less than 60°F, effluent total coliform organisms shall not exceed:

- (a) 2.2 most probable number (MPN) per 100 mL, as a 30-day median;
- (b) 23 MPN/100 mL, more than once in any 30-day period; and
- (c) 240 MPN/100 mL as an instantaneous maximum.

Footnote 1: If these conditions are not present, then the final effluent for BOD₅, total coliform organisms, and TSS in sections IV.A.1.a and IV.A.1.g above are in effect.

16. According to the Discharger's self-monitoring reports, the Discharger committed thirteen (13) serious Group I violations of the above effluent limitations contained in WDRs Orders R5-2005-0074 and R5-2010-0092 during the period beginning 1 July 2010 and ending 31 May 2011, as identified in Attachment A. These violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels in WDRs Orders R5-2005-0074 and R5-2010-0092 by forty percent or more. The mandatory minimum penalty for these serious violations is **thirty-nine thousand dollars (\$39,000)**.
17. According to the Discharger's self-monitoring reports, the Discharger committed nine (9) serious Group II violations of the above effluent limitations contained in WDRs Orders R5-2005-0074 and R5-2010-0092 during the period beginning 1 July 2010 and ending 31 May 2011, as identified in Attachment A. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels in WDRs Orders R5-2005-0074 and R5-2010-0092 by twenty percent or more. The mandatory minimum penalty for these serious violations is **twenty-seven thousand dollars (\$27,000)**.
18. According to the Discharger's self-monitoring reports, the Discharger committed fifty-two (52) non-serious violations of the above effluent limitations contained in WDRs Orders R5-2005-0074 and R5-2010-0092 during the period beginning 1 July 2010 and ending 31 May 2011, as identified in Attachment A. All fifty-two 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 **one hundred fifty-six thousand dollars (\$156,000)**.
19. The total amount of the mandatory penalties assessed for the cited effluent violations for Placer County Department of Facility Services, Sewer Maintenance District No. 1, is **two hundred twenty-two thousand dollars (\$222,000)**. As stated herein, a detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Order addresses administrative civil liability for violations that are specifically identified in Attachment A as subject to mandatory minimum penalties.

**Placer County Department of Facility Services, Sewer Maintenance District No. 3
Wastewater Treatment Plant**

20. The Discharger owns and operates a Wastewater Treatment Plant which that provides sewerage service to the Granite Bay area in Placer County. Treated domestic, commercial, and industrial wastewater is discharged to Miners Ravine, a water of the United States.
21. On 22 June 2007, effective 11 August 2007, the Central Valley Water Board issued WDRs Order R5-2007-0070 to regulate discharges of waste from the wastewater treatment plant.
22. On 22 June 2007, the Central Valley Water Board issued CDO R5-2007-0071. CDO R5-2007-0071 provided the Discharger until 21 June 2011 to comply with the effluent limitations for nitrate in WDRs Order R5-2007-0070. Thus, nitrate violations that occur after 21 June 2011 are subject to MMPs.
23. On 14 March 2011, the Executive Officer issued Administrative Civil Liability Complaint R5-2011-0528 for effluent violations that occurred during the period of 1 August 2010 through 30 November 2010. These violations are specifically identified in Attachment A to ACLC R5-2011-0528 as subject to mandatory minimum penalties. The Discharger signed a waiver of hearing and has entered into negotiations to fund a supplemental environmental project in lieu of payment of a portion of the mandatory minimum penalties.
24. On 28 March 2011, Central Valley Water Board staff issued the Discharger a draft ROV for the period of 31 October 2010 through 31 January 2011. On 18 April 2011, the Discharger responded, agreed with the violations, and requested the violations be incorporated in this Order. These violations are listed in Attachment B to this Order. The final ROV has been extended by four months and additional violations have been added.
25. 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, in part:

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:

- E) Violates a waste discharge requirement effluent limitation.
- F) Fails to file a report pursuant to Section 13260.
- G) Files an incomplete report pursuant to Section 13260.
- H) 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.

26. WDRs Order R5-2007-0070 Effluent Limitations No. IV.A.1.a., states, in part:

The discharge of treated wastewater shall maintain compliance with the following effluent limitations at Discharge Point D-001...:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand 5-Day @ 20°C	mg/L	10	15	25	--	--
Aluminum (Total)	µg/L	71.2	--	142.9	--	--
Copper	µg/L	2.89	--	5.76	--	--
Dichlorobromomethane	µg/L	0.56	--	1.13	--	--
Dibromochloromethane	µg/L	0.41	--	0.82	--	--

27. According to the Discharger's self-monitoring reports, the Discharger committed one (1) serious Group I violation of the above effluent limitations contained in WDRs Order R5-2007-0070 during the period beginning 1 August 2010 and ending 31 May 2011, as identified in Attachment B. This violation is defined as serious because the measured concentration of a Group I constituent exceeded maximum prescribed levels by more than 40 percent on this occasion. The mandatory minimum penalty for this serious violation is **three thousand dollars (\$3,000)**.
28. According to the Discharger's self-monitoring reports, the Discharger committed thirty (30) serious Group II violation of the above effluent limitations contained in WDRs Order R5-2007-0070 during the period beginning 1 August 2010 and ending 31 May 2011, as identified in Attachment B. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more

than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **ninety thousand dollars (\$90,000)**.

29. According to the Discharger's self-monitoring reports, the Discharger committed four (4) non-serious violations of the above effluent limitations contained in WDRs Order R5-2007-0070 during the period beginning 1 August 2010 and ending 31 May 2011, as identified in Attachment B. These 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 **twelve thousand dollars (\$12,000)**.
30. The total amount of the mandatory penalties assessed for the cited effluent violations for Placer County Department of Facility Services, Sewer Maintenance District No. 3, is **one hundred five thousand dollars (\$105,000)**. As stated herein, a detailed list of the cited effluent violations is included in Attachment B, a part of this Order. This Order addresses administrative civil liability for violations that are specifically identified in Attachment B as subject to mandatory minimum penalties.

Settlement

31. This Order constitutes a settlement of the violations alleged in ACLCs R5-2011-0507, R5-2011-0528, R5-2011-0529, and effluent limitations violations for the period 1 December 2010 through 31 May 2011, identified in Attachments A and B to this Order, for Placer County Department of Facility Services, Sewer Maintenance District No. 1 and Sewer Maintenance District No. 3. Thus, the total amount of mandatory penalties assessed for effluent violations committed by Placer County Department of Facility Services, Sewer Maintenance District No. 1 and Placer County Department of Facility Services, Sewer Maintenance District No. 3, is **three hundred twenty-seven thousand dollars (\$327,000)**.
32. 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:
 - (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.

33. The effluent violations alleged in ACLCs R5-2011-0507, R5-2011-0528, R5-2011-0529, and effluent violations for the period 1 December 2010 through 31 May 2011, identified in Attachments A and B to this Order will be resolved as follows¹: The Discharger shall pay \$148,500 to the *State Water Pollution Cleanup and Abatement Account* and shall expend \$178,500 to fund the Supplemental Environmental Project (SEP) described in Attachment C, a part of this Order. The proposed settlement complies with the State Water Resources Control Board's *Water Quality Enforcement Policy and Policy on Supplemental Environmental Projects*.
34. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Pamela C. Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore Assistant Executive Officer Kenneth D. Landau has the authority to issue this Order.
35. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website 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. No comments were received.
36. 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).

THE PLACER COUNTY DEPARTMENT OF FACILITY SERVICES IS HEREBY GIVEN NOTICE THAT:

1. The Placer County Department of Facility Services shall be assessed mandatory minimum penalties in the amount of **three hundred twenty-seven thousand dollars (\$327,000)** consisting of **two hundred twenty-two thousand dollars (\$222,000)** for violations incurred at Sewer Maintenance District No. 1 and **one hundred five thousand dollars (\$105,000)** for violations incurred at Sewer Maintenance District No. 3.

¹ Amount calculated as: SMD-1, \$15,000 + (\$222,000-\$15,000)/2 = \$118,500 may be applied to SEP. SMD-3: \$15,000 + (\$105,000-\$15,000)/2 = \$60,000 may be applied to SEP. Thus, total amount for SEP = \$118,500 + \$60,000 = \$178,500.

2. The Discharger shall remit payment of **one hundred forty-eight thousand five hundred dollars (\$148,500)** of the imposed civil liability by check, which shall contain a reference to ACL Order R5-2011-0593 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 7 November 2011.**
3. The remaining \$178,500 in assessed mandatory minimum penalties shall be suspended, pursuant to CWC section 13385(l), pending completion of a Supplemental Environmental Project (SEP) in accordance with this Order.
4. The SEP chosen by the Discharger is titled “*Hidden Falls Regional Park Water Crossing Pollution Prevention Project.*” 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 C to this Order, which is incorporated herein by reference. **By 7 November 2011,** the Discharger shall place the \$178,500 into an account specifically established to fund this SEP. The Regional Board will not manage or control funds set aside or escrowed for performance of the SEP. The tasks listed in Attachment C are assigned an estimated monetary value; however, if excess funds are present in one task then they may be used as needed in subsequent tasks.
5. **By 30 November 2011,** the Discharger shall provide documentation that it has obtained the remaining funds necessary to complete the SEP. If matching funds are not forthcoming by 30 November 2011, the Discharger will remit payment for one hundred-seventy-eight thousand five hundred dollars (\$178,500) by check, which shall contain a reference to ACL Order R5-2011-0593” 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 31 December 2011.**
6. As required by 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 in addition to the total administrative civil liability imposed against the Discharger and are not credited toward the Discharger’s obligation to fund the SEP. **By 7 November 2011,** 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.
7. In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Assistant Executive Officer that the suspended amount of \$178,500 was spent to complete the SEP for which the Discharger is financially responsible, the Discharger must remit the difference between the suspended liability and the amount the Discharger can demonstrate was actually spent on the SEP, as an administrative civil liability, to the *State Water Pollution Cleanup and Abatement Account* **by 30 July 2013,** or within 30 days of project completion, whichever comes first.

8. The Assistant 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 at least 30-days prior to the deadline. Any request for an extension not responded to in writing by the Board shall be deemed denied. The Discharger must obtain explicit approval from the Assistant Executive Officer for any significant departures from the project described in Attachment C. 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 C and the total amount of the suspended penalty.
9. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds publicize any element of the SEP project, it shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action by the Regional Board against the Discharger.
10. The Discharger is ultimately responsible for ensuring that the work described in Attachment C 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 C. The quarterly progress reports and the Final Report shall also be submitted to the State Water Resources Control Board, Division of Financial Assistance.
11. If the Assistant 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 Assistant Executive Officer), the Assistant 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.
12. Should the Discharger fail to comply with this Order, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
13. Upon the completion of the Discharger's obligations under this Order and completion of the SEP to the satisfaction of the Assistant Executive Officer, the Regional Board shall provide the Discharger with a statement indicating that the SEP has been completed in satisfaction of the terms of this Order and that any remaining suspended liability is waived. That statement shall terminate any further obligations of the Discharger pursuant to this Order, and result in the permanent stay of the \$178,500 suspended liability.
14. The payment of administrative civil liability in accordance with the terms of this Stipulation and the Order or compliance with the terms of this Order is not a substitute for

compliance with applicable laws, and continuing violations of the type alleged in ACLCs R5-2011-0507, R5-2011-0528, and R5-2011-0529 and ROVs for the period 1 December 2010 through 31 May 2011 may subject the Discharger to further enforcement, including but not limited to additional administrative civil liability.

15. 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 or will be provided upon request.

Original signed by

KENNETH D. LANDAU, Assistant Executive Officer

7 October 2011

DATE

Attachment A: Record of Violations, Sewer Maintenance District No. 1
Attachment B: Record of Violations, Sewer Maintenance District No. 3
Attachment C: Supplemental Environmental Project

**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0593**

**Placer County Department of Facility Services
Placer County Sewer Maintenance District No. 1
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 July 2010 – 31 May 2011) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2005-0074 and R5-2010-0092)

<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
Violations under R5-2005-0074							
* 18-Jul-10	Chlorine, Total Residual	mg/L	0.02	0.5	1-Hour Avg	2*	880761
* 31-Jul-10	Nitrite Plus Nitrate (as N)	mg/L	10	17	30-Day Avg	1*	880758
* 31-Jul-10	Nitrite Plus Nitrate (as N)	lb/day	182	184	30-Day Avg	4*	880759
1 31-Jul-10	Bromodichloromethane	µg/L	0.56	2.5	30-Day Avg	2	886969
2 31-Jul-10	Chloroform	µg/L	1.1	8.5	30-Day Avg	2	886966
3 31-Jul-10	Chloroform	lb/day	0.02	0.096	30-Day Avg	2	886968
4 13-Aug-10	Ammonia, Total (as N)	mg/L	8	8.3	4-Day Avg	4	883203
5 22-Aug-10	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	883198
6 24-Aug-10	Total Coliform	MPN/100 mL	2.2	11	7-Day Mdn	4	883201
7 25-Aug-10	Total Coliform	MPN/100 mL	2.2	11	7-Day Mdn	4	883202
8 31-Aug-10	Ammonia, Total (as N)	mg/L	3.37	4.1	30-Day Avg	4	883204
9 31-Aug-10	Nitrite Plus Nitrate (as N)	mg/L	10	18	30-Day Avg	1	883205
10 31-Aug-10	Nitrite Plus Nitrate (as N)	lb/day	182	185	30-Day Avg	4	883206
Cease and Desist Order R5-2010-0093							
11 30-Sep-10	Nitrite Plus Nitrate (as N)	mg/L	10	19	30-Day Avg	1	884150
12 30-Sep-10	Nitrite Plus Nitrate (as N)	lb/day	182	202	30-Day Avg	4	884152
13 31-Oct-10	Chloroform	µg/L	1.1	15.4	Monthly Ave	2	891198
14 31-Oct-10	Nitrite Plus Nitrate (as N)	mg/L	10	18	30-Day Avg	1	885549
15 31-Oct-10	Nitrite Plus Nitrate (as N)	lbs/day	182	209	30-Day Avg	4	887323
16 3-Nov-10	Aluminum, total	µg/L	160	170	Daily	4	889166
Violations under R5-2010-0092							
17 30-Nov-10	Aluminum, total	µg/L	68	170	Monthly Avg	1	889167
18 30-Nov-10	Nitrite Plus Nitrate (as N)	mg/L	10	17	Monthly Avg	1	888208
19 6-Dec-10	Aluminum	µg/L	151	286	Daily Ave	1	891186
20 19-Dec-10	Total Coliform	MPN/100 mL	23	>23	>1x/30 days	4	891190
21 19-Dec-10	Total Coliform	MPN/100 mL	240	500	Instant Max	4	891191
22 31-Dec-10	Aluminum	µg/L	68	286	Monthly Ave	1	891187
23 31-Dec-10	Chloroform	µg/L	1.1	28	Monthly Ave	2	891188
24 31-Dec-10	Nitrite + Nitrate (as N)	mg/L	10	10.6	Monthly Ave	4	891189
25 9-Jan-11	Total Coliform	MPN/100 mL	23	50	>1x/30 days	4	892458
26 10-Jan-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	892456
27 10-Jan-11	Total Coliform	MPN/100 mL	23	240	>1x/30 days	4	892454
28 11-Jan-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	892461
29 31-Jan-11	Chloroform	µg/L	1.1	9	Monthly Ave	2	892455
30 31-Jan-11	Nitrite + Nitrate (as N)	mg/L	10	18	Monthly Ave	1	892457
31 22-Feb-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899643
32 23-Feb-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899644

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
33	28-Feb-11	Nitrite + Nitrate (as N)	µg/L	10	18.85	Monthly Ave	1	896039
34	28-Feb-11	Chloroform	µg/L	1.1	3.5	Monthly Ave	2	896041
35	28-Feb-11	Aluminum	µg/L	68	124	Monthly Ave	1	896042
36	22-Feb-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899643
37	23-Feb-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899644
38	1-Mar-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899568
39	3-Mar-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899570
40	4-Mar-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899548
41	5-Mar-11	Total Coliform	MPN/100 mL	2.2	4	7-Day Mdn	4	899571
42	7-Mar-11	Total Coliform**	MPN/100 mL	2.2	3	30-Day Mdn	4	899538
43	8-Mar-11	Total Coliform**	MPN/100 mL	2.2	3	30-Day Mdn	4	899539
44	9-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899540
45	10-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899541
46	11-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899542
47	12-Mar-11	Total Coliform	MPN/100 mL	2.2	8	7-Day Mdn	4	899572
48	13-Mar-11	Total Coliform	MPN/100 mL	2.2	8	7-Day Mdn	4	899573
49	14-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899543
50	15-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899544
51	16-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899545
52	17-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899546
53	18-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899547
54	19-Mar-11	Total Coliform**	MPN/100 mL	23	30	>1x/30 days	4	899574
55	19-Mar-11	Total Coliform**	MPN/100 mL	2.2	4	30-Day Mdn	4	899549
56	20-Mar-11	Total Coliform**	MPN/100 mL	23	50	>1x/30 days	4	899575
57	20-Mar-11	Total Coliform**	MPN/100 mL	2.2	6	30-Day Mdn	4	899550
58	21-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899551
59	22-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899552
60	23-Mar-11	Total Coliform**	MPN/100 mL	2.2	7.5	30-Day Mdn	4	899553
61	24-Mar-11	Total Coliform**	MPN/100 mL	2.2	7.5	30-Day Mdn	4	899554
62	25-Mar-11	Total Coliform**	MPN/100 mL	23	35	>1x/30 days	4	899577
63	25-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899555
64	26-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899556
65	27-Mar-11	Total Coliform**	MPN/100 mL	2.2	8	30-Day Mdn	4	899558
66	28-Mar-11	Total Coliform**	MPN/100 mL	2.2	6	30-Day Mdn	4	899560
67	29-Mar-11	Total Coliform**	MPN/100 mL	2.2	6	30-Day Mdn	4	899561
68	30-Mar-11	Total Coliform**	MPN/100 mL	2.2	6	30-Day Mdn	4	899566
69	31-Mar-11	Aluminum, Total	µg/L	68	81.1	Monthly Avg	4	899537
70	30-Apr-11	Chloroform	µg/L	1.1	4	Monthly Avg	2	901756
71	30-Apr-11	Aluminum, Total	µg/L	68	114	Monthly Avg	1	901740
72	31-May-11	Chloroform	µg/L	1.1	15.3	Monthly Avg	2	904123
73	31-May-11	Nitrite Plus Nitrate (as N)	mg/L	10	16.3	Monthly Avg	1	904124
74	31-May-11	Aluminum, Total	µg/L	68	132	Monthly Avg	1	904127

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 violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>5/31/2011</u>
Group I Serious Violations:	13
Group II Serious Violations:	9
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	52
<u>Total Violations Subject to MMPs:</u>	<u>74</u>

Mandatory Minimum Penalty = (22 serious Violations + 52 Non-Serious Violations) x \$3,000 = \$222,000

* Supporting Violations addressed in ACL Complaint R5-2010-0546

** Note: Influent flow > 3.5 MGD and 7-day median receiving water temperature at Monitoring Location RSW-001 less than 60°F.

**ATTACHMENT B
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0593**

**Placer County Department of Facility Services
Sewer Maintenance District No. 3
Wastewater Treatment Plant**

**RECORD OF VIOLATIONS (1 August 2010 – 31 May 2011) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2007-0070)**

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period Type</u>	<u>Remarks</u>	<u>CIWQS</u>
1	4-Aug-10	Dibromochloromethane	µg/L	0.82	0.9	Max Daily	4	883478
2	4-Aug-10	Dichlorobromomethane	µg/L	1.13	13.2	Max Daily	2	883475
3	31-Aug-10	Dibromochloromethane	µg/L	0.41	0.9	Monthly Avg	2	883479
4	31-Aug-10	Dichlorobromomethane	µg/L	0.56	13.2	Monthly Avg	2	883476
5	31-Aug-10	Aluminum, Total	µg/L	71.2	105	Monthly Avg	1	883474
6	8-Sep-10	Dichlorobromomethane	µg/L	1.13	7.2	Max Daily	2	885421
7	30-Sep-10	Dibromochloromethane	µg/L	0.41	0.8	Monthly Avg	2	885423
8	30-Sep-10	Dichlorobromomethane	µg/L	0.56	7.2	Monthly Avg	2	885422
9	6-Oct-10	Dichlorobromomethane	µg/L	1.13	5.8	Max Daily	2	887407
10	31-Oct-10	Dibromochloromethane	µg/L	0.41	0.6	Monthly Avg	2	885551
11	31-Oct-10	Dichlorobromomethane	µg/L	0.56	5.8	Monthly Avg	2	885563
12	30-Nov-10	Dichlorobromomethane	µg/L	1.13	5.7	Max Daily	2	888206
13	30-Nov-10	Dibromochloromethane	µg/L	0.41	0.5	Monthly Avg	2	888204
14	30-Nov-10	Dichlorobromomethane	µg/L	0.56	5.7	Monthly Avg	2	888207
15	30-Nov-10	Copper, Total	µg/L	2.89	3.29	Monthly Avg	4	888201
16	1-Dec-10	Dichlorobromomethane	µg/L	1.13	1.4	Max Daily	2	891115
17	31-Dec-10	Dichlorobromomethane	µg/L	0.56	1.4	Monthly Avg	2	891116
18	5-Jan-11	Dichlorobromomethane	µg/L	1.13	5	Max Daily	2	894152
19	31-Jan-11	Dibromochloromethane	µg/L	0.41	0.6	Monthly Avg	2	894151
20	31-Jan-11	Dichlorobromomethane	µg/L	0.56	5	Monthly Avg	2	894153
21	9-Feb-11	Dichlorobromomethane	µg/L	1.13	4.9	Max Daily	2	896253
22	28-Feb-11	Dibromochloromethane	µg/L	0.41	0.5	Monthly Avg	2	896257
23	28-Feb-11	Dichlorobromomethane	µg/L	0.56	4.9	Monthly Avg	2	896258
24	28-Feb-11	Copper, Total	µg/L	2.89	3.15	Monthly Avg	4	896260
25	31-Mar-11	Dichlorobromomethane	µg/L	0.56	1.9	Monthly Avg	2	899733
26	12-Mar-11	BOD	mg/L	15	18.4	Weekly Avg	4	899732
27	2-Mar-11	Dichlorobromomethane	µg/L	1.13	1.9	Max Daily	2	899731
28	6-Apr-11	Dibromochloromethane	µg/L	0.82	1.2	Max Daily	2	901788
29	6-Apr-11	Dichlorobromomethane	µg/L	1.13	7.5	Max Daily	2	901791
30	30-Apr-11	Dibromochloromethane	µg/L	0.41	1.2	Monthly Avg	2	901789
31	30-Apr-11	Dichlorobromomethane	µg/L	0.56	7.5	Monthly Avg	2	901790
32	4-May-11	Dibromochloromethane	µg/L	0.82	1.3	Max Daily	2	904200
33	4-May-11	Dichlorobromomethane	µg/L	1.13	9.7	Max Daily	2	904203
34	31-May-11	Dibromochloromethane	µg/L	0.41	1.3	Monthly Avg	2	904198
35	31-May-11	Dichlorobromomethane	µg/L	0.56	9.7	Monthly Avg	2	904201

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 violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>5/31/2011</u>
Group I Serious Violations:	1
Group II Serious Violations:	30
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	4
<u>Total Violations Subject to MMPs:</u>	<u>35</u>

Mandatory Minimum Penalty = (31 serious Violations + 4 Non-Serious Violations) x \$3,000 = \$105,000

ATTACHMENT C
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2011-0593

Proposed SEP Project Description

Project Title: Hidden Falls Regional Park Water Crossing Pollution Prevention Project

Geographic Area of Interest: Hidden Falls Regional Park, Placer County

Name of Responsible Entity: Placer County (Discharger), supported by the Placer County Department of Facility Services, Parks and Grounds Division (Owner/ Manager of Hidden Falls Regional Park)

Estimated Cost of Project Completion: The total cost of bridge construction and streambed vehicle crossing abandonment is estimated at \$550,000. The SEP will contribute \$178,500 toward construction of the project. The remaining funds will be obtained from non-federal funding sources.

Contact Information:

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Project Description:

The 1,200 acre Hidden Falls Regional Park (HFRP) was purchased by Placer County under the Placer Legacy Open Space and Agricultural Conservation Program for the purpose of open space conservation and passive recreation. HFRP is bisected by approximately three miles of Coon Creek. The only current vehicle access across Coon Creek is through the streambed.

This project will construct an approximately 100 foot span concrete arch bridge over Coon Creek and abandon the existing in-stream water crossing. The abandoned crossing area within the riparian zone would be re-planted/seeded with native plants. The bridge will provide vehicle access for maintenance, emergency response, and non-motorized pedestrian use.

An Environmental Impact Report for the project was adopted by the Placer County Planning Commission on January 28, 2010 satisfying all requirements of CEQA. Construction documents are nearing completion. Construction will commence once full funding is in place.

Water Body, Beneficial Use and/or Pollutant Addressed by this Project:

The benefit of abandoning the in-stream crossing will be to eliminate vehicle traffic in Coon Creek within HFRP thereby eliminating a sediment source and providing protection for anadromous fish, western pond turtles, and other biological resources in the riparian corridor. The bridge will also provide access to fire fighting and emergency response equipment in the event of a wild fire.

Project Schedule, Budget, Deliverables:

The Discharger will be responsible for completing all of the deliverables listed below:

1. Set Up Project Accounting of SEP Funds: By 7 November 2011, the Discharger will transfer \$178,500 in SEP funds to Placer County Parks and Grounds Division where they will be held in an account that will ensure the funding for its specified use.
Estimated Cost: not applicable
Deliverable: written report containing the above information
Due Date: 11 November 2011
2. Obtain Full Project Financing: Major funding for the bridge construction is expected to be provided through a grant from the Resources Agency River Parkway Grant Program. While the River Parkway grant has been awarded, execution of the grant contract will be delayed until the passage of the State's 2011/12 budget.
Estimated Cost: \$540,000 including SEP funding
Deliverable: Written report showing that full funding, according to the bid price, has been allocated to the Project Account
Due Date: 30 November 2011
3. Execute Construction Contract: The Discharger will manage the bidding and contract execution of the Bridge Construction project according to the California Public Contract Code. Once the State budget is passed, the project will be bid. Beginning of the bid is expected in fall 2011. Once bids are received, the Placer County Parks and Grounds Division will approach the Board of Supervisors for permission to award the construction contract. The combination of SEP and River Parkway funding is expected to provide a minimum of 80% of the project funding based on engineering cost estimates. If the bid price is higher than the combination of River Parkway and SEP funding, the Board of Supervisors will need to identify a shortfall funding source prior to award of the construction contract.
Estimated Cost: not applicable
Deliverable: A copy of the executed bridge construction contract
Due Date: 31 January 2012
4. Bridge Construction: Placer County Parks and Grounds Division will manage construction of a bridge over Coon Creek capable of providing maintenance and emergency vehicle access over Coon Creek
Estimated Cost: \$540,000 including \$168,500 funded by this SEP

Commence Construction Date: April 2012

Complete Construction Date: 30 May 2013. By 30 June 2013, the Discharger shall submit a written report showing that the bridge has been constructed.

5. Abandonment of Streambed Vehicle Crossing: Placer County Parks and Grounds Division will oversee the relocation of approach roads to the existing vehicle crossing and the seeding and/or planting of native vegetation in the approach areas within the riparian zone.
Estimated Cost: \$10,000, funded by this SEP
Deliverable: A written report showing that the streambed crossing abandonment has been completed as described above.
Due Date: 30 May 2013

6. Quarterly Progress Reports: Beginning with the Third Quarter 2011, quarterly progress reports shall be submitted by the first day of the second month following the end of each quarter (e.g., by 1 November, 1 January, 1 May, 1 August). Each progress report will describe the work completed during the preceding quarter. If no activity occurred during a particular quarter, a quarterly report so stating shall be submitted. The following statement must be included above the signature line of each report: "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

7. Final Report: The Discharger will submit a final report that will include a summary of all completed tasks, a post-project accounting of all expenditures, and certification that the Discharger followed all applicable environmental laws and regulations in the implementation of the SEP. 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 \$178,500. This serves as the final report required under the SEP and the following statement must be included above the signature line of each report: "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct."
Due Date: 30 July 2013