

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0528  
MANDATORY PENALTY  
IN THE MATTER OF

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

This Order is issued to the County of Placer Facility Services Department, Placer County Sewer Maintenance District No. 3, (hereafter Discharger) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, and Water Code 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) Order R5-2013-0076 (NPDES CA0079367).

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

1. The Discharger owns and operated a wastewater treatment plant which provided sewerage service to the Granite Bay area in Placer County. Treated domestic, commercial, and industrial wastewater was discharged to Miners Ravine, a water of the United States. The Discharger has completed construction of a pump station and force main and began discharging wastewater to the City of Roseville Dry Creek Wastewater Treatment Plant on 31 December 2014.
2. On 22 June 2007, the Central Valley Water Board issued WDRs R5-2007-0070 to regulate discharge of waste from the wastewater treatment plant. On 31 May 2013, the Board rescinded WDRs R5-2007-0070 except for enforcement purposes and issued WDRs R5-2013-0076.
3. On 31 May 2013, the Board issued Cease and Desist Order (CDO) R5-2013-0089. The CDO provides a time schedule to comply with the final effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes by 31 December 2014. This Order considers the exemption from mandatory minimum penalties (MMPs) provided by the CDO.
4. On 29 April 2014, the Executive Officer of the Central Valley Water Board issued ACLO R5-2014-0530 for MMPs for effluent violations from 1 June 2013 through 28 February 2014 in the amount of \$93,000. The violations covered by that Order are specifically listed in Attachment A to ACLO R5-2014-0530. The Discharger paid \$39,000 of the penalty and entered into an agreement to add \$54,000 to the existing Supplemental Environmental Project (SEP) for a total of \$147,000. On 14 November 2014, the Discharger submitted documentation of compliance project expenditures and certified that it had completed the SEP.

5. On 5 January 2015, Water Board staff issued a Record of Violations to the Discharger for the period from 1 March 2014 through 30 November 2014. On 28 January 2015, the Discharger responded, agreed with the violations, and requested that MMPs be applied to a SEP entitled *SMD 3 Regional Sewer Project – Equalization Basin*. This Order extends the covered period of violations through 31 December 2014 and no additional violations have been added to this Order.
6. Water Code sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code 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.

Water Code 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.

Water Code 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.

7. Water Code section 13385(l) allows a discharger to complete a 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.

8. WDRs Order R5-2013-0076, Final Effluent Limitations IV.A.1.a. states, in part:

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point No. 001....:

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
<b>Priority Pollutants</b>						
Dibromochloromethane	µg/L	0.41	--	0.98	--	--
Dichlorobromomethane	µg/L	0.56	--	1.1	--	--
<b>Non-conventional Pollutants</b>						
Total Trihalomethanes <sup>1</sup>	µg/L	80	--	--	--	--

<sup>1</sup> Mass-based effluent limitations are based on a permitted average dry weather flow of 0.30 MGD.

9. CDO R5-2013-0089 established interim effluent limitations for dibromochloromethane, dichlorobromomethane, and total trihalomethanes as follows:

Constituent	Units	Interim Effluent Limitations	
		Average Monthly	Maximum Daily
Dibromochloromethane	µg/L	4 <sup>1</sup>	6.5 <sup>1</sup>
Dichlorobromomethane	µg/L	23 <sup>1</sup>	59 <sup>1</sup>
Total Trihalomethanes <sup>2</sup>	µg/L	114 <sup>2</sup>	--

<sup>1</sup> From CDO R5-2012-0005

<sup>2</sup> Based on the sum of the maximum effluent concentrations of bromoform (<0.5 µg/L), chloroform (86 µg/L), dibromochloromethane (7 µg/L), and dichlorobromomethane (21 µg/L)

10. According to the Discharger’s self-monitoring reports, the Discharger committed six (6) serious Group II violations of the above effluent limitations contained in Order R5-2013-0076 during the period beginning 1 March 2014 and ending 31 December 2014 as identified in Attachment A to this Order. These violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent. The mandatory minimum penalty for these serious violations is **eighteen thousand dollars (\$18,000)**.

11. The total amount of the mandatory penalties assessed for the cited effluent violations is **eighteen thousand dollars (\$18,000)**. 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 MMPs.
12. 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.
13. 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 COUNTY OF PLACER FACILITY SERVICES IS HEREBY GIVEN NOTICE THAT:**

1. The Discharger shall be assessed mandatory minimum penalties in the amount of **eighteen thousand dollars (\$18,000)**.
2. The Discharger shall remit payment of **one thousand five hundred (\$1,500)** of the imposed civil liability by check, which shall contain a reference to ACL Order R5-2015-0528. Payment must be received by the State Water Board, Division of Administrative Services, Accounting Branch, at 1001 I Street, 18<sup>th</sup> Floor, Sacramento, California 95814 **by 13 July 2015**. The check shall be made payable to the *State Water Pollution Cleanup and Abatement Account*. A copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive, Rancho Cordova, California 95670, attention to Wendy Wyels by the same date.
3. The remaining **sixteen thousand five hundred (\$16,500)** shall be suspended, pursuant to Water Code section 13385(l), pending completion of the Supplemental Environmental Project (SEP). The Discharger has chosen to complete the "SMD 3 Regional Sewer Project – Equalization Basin". A summary of the SEP project description and deliverable that will be submitted to the Central Valley Water Board can be found in Attachment B of this Order, which is incorporated herein by reference. The tasks listed in Attachment B 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.
4. 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.

5. In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the suspended amount of \$16,500 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* within 30 days of project completion, whichever comes first.
6. 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 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 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.
7. 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.
8. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is 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 Financial Assistance.
9. 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.

10. Should the Discharger fail to comply with this Order, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
11. Upon the completion of the Discharger's obligations under this Order and completion of the SEP to the satisfaction of the 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 \$16,500 suspended liability.
12. The payment of administrative civil liability in accordance with the terms of this 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 this Order may subject the Discharger to further enforcement, including but not limited to, additional administrative civil liability.
13. 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 Water Code 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 Adam Laputz for*

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PAMELA CREEDON, Executive Officer

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11 June 2015

DATE

**ATTACHMENT A  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0528**

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

RECORD OF VIOLATIONS (1 March 2014 – 31 December 2014) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2013-0076)

	<u>Date</u>	<u>Parameter</u>	<u>Units</u>	WDRs <u>Limit</u>	CDO <u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
1	31-Jul-14	Total Trihalomethanes	µg/L	80	114	154*	Monthly Average	2	975632
2	31-Oct-14	Total Trihalomethanes	µg/L	80	114	133*	Monthly Average	2	980767
3	5-Nov-14	Dibromochloromethane	µg/L	0.98	6.5	17.7*	Maximum Daily	2	983548
4	30-Nov-14	Dibromochloromethane	µg/L	0.41	4	17.7*	Monthly Average	2	983550
5	30-Nov-14	Dichlorobromomethane	µg/L	0.56	23	28.1*	Monthly Average	2	983546
6	30-Nov-14	Total Trihalomethanes	µg/L	80	114	170*	Monthly Average	2	983549

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 180-day period, thus is not subject to mandatory minimum penalties. Penalties that may be assessed for this violation are discretionary. This violation is not addressed or resolved in this ROV.
4. Non-serious violation subject to mandatory minimum penalties.

<b>VIOLATIONS AS OF:</b>	<b>12/31/14</b>
Group I Serious Violations:	0
Group II Serious Violations:	6
Non-Serious Violations Not Subject to MMPs:	0
Non-serious Violations Subject to MMPs:	0
<b>Total Violations Subject to MMPs:</b>	<b>6</b>

**Mandatory Minimum Penalty = (6 Group II Violations) x \$3,000 = \$18,000**

\* The interim effluent limitation found in CDO R5-2013-0089 was exceeded during the reporting period; therefore, MMP protection was lost for the violation of the WDRs effluent limitation.

**ATTACHMENT B  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0528**

**SEP Project Description**

**Project Title: SMD 3 Regional Sewer Project – Equalization Basin**

**Geographic Area of Interest:** Unincorporated Placer County; communities of Loomis and Granite Bay, Placer County

**Name of Responsible Entity:** Placer County, County of Placer Facility Services Department (Discharger)

**Estimated Cost of Project Completion:** The total construction budget for the SMD 3 Regional Sewer Project (Regional Project) is \$13.8 million. At the time of this proposal, the construction of the pipeline and pump station has been completed and discharge to Miner’s Ravine ceased on 31 December 2014. Additional work at the pump station site is still in progress, including completing the conversion of the existing sand filter to an equalization basin. The remaining cost to complete the equalization basin is \$76,950.

The available SEP funding of \$16,500 will be applied toward completing the construction of the equalization basin.

**Contact Information:**

Kevin Bell, Program Manager  
Placer County Environmental Engineering  
11476 ‘C’ Avenue  
Auburn, CA 95603  
(530) 886-4915  
[kbell@placer.ca.gov](mailto:kbell@placer.ca.gov)

Christina Hanson, Sr. Planner  
Placer County Environmental Engineering  
11476 ‘C’ Avenue  
Auburn, CA 95603  
(530) 886-4965  
[chanson@placer.ca.gov](mailto:chanson@placer.ca.gov)

**Project Description:**

The purpose of the project is to convert the existing sand filter to an equalization basin at the SMD 3 pump station, as part of the final work on the Regional Project. The Regional Project has enabled the County to cease discharge to Miner’s Ravine and convey wastewater flows to the City of Roseville Dry Creek Wastewater Treatment Plant. Construction of the equalization basin includes, but is not limited to, removal of mechanical equipment from the filter room and filter, core drilling drainage holes in the existing structure, backfilling, installation of control instrumentation, power and signal conductors, conduits, and duct bank to the pump station control building, davit crane, air release valves, and fill and drain piping.

The purpose of the equalization basin is to provide storage at the pump station in the event of an emergency that would prevent pumping. Sensors and a control system will enable the basin to fill once the water reaches a certain level. This system will prevent overflows at the pump station site (adjacent to Miner’s Ravine) or in the downstream collection system.

**Water Bodies, Beneficial Uses and/or Pollutants Addressed by this Project:**

The Facility previously discharged to Miners Ravine which is tributary to Dry Creek and, ultimately, the Sacramento River Basin. The new pump station is located at the former Facility. Miners Ravine is considered a sensitive natural community. The following existing and potential beneficial uses apply: municipal and domestic supply, agricultural supply, water contact recreation and non-contact water recreation, warm and freshwater aquatic habitat, warm and cold fish migration habitat, warm spawning habitat, wildlife habitat, and navigation.

The equalization basin will help prevent any overflow at the pump station site (adjacent to Miner's Ravine) or in the downstream collection system during emergencies.

**Project Tasks, Budget, and Deliverables:**

1. Construction of Equalization Basin and Decommissioning of Facility: Expend available SEP funding toward the construction of the equalization basin and complete decommissioning of the Facility.

**Estimated Cost:** The remaining cost for construction is \$76,950. The applicable SEP funding will be applied toward construction work on the equalization basin.

**Due Date:** Completed by 1 September 2015

2. Final Report: The final report will include a summary of all completed tasks 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 amount. The following statement must be included above the signature line of the report: "I certify under penalty of perjury that the foregoing is true and correct."

**Due Date:** 1 October 2015