

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2008-0159

CITY OF PLACERVILLE,
HANGTOWN CREEK WASTEWATER TREATMENT PLANT
EL DORADO COUNTY
SMALL COMMUNITY DETERMINATION

The Central Valley Regional Water Quality Control Board (Central Valley Water Board), finds that:

1. Prior to the hearing, Dr. Gerald Horner, economist, of the State Water Resources Control Board (State Water Board) offered written testimony supporting his opinion that there is inadequate data to estimate a population for the Facility's service area. Based on the data available to him, he concluded that the Census data for the City under-reports the number of people being served by the treatment plant because it serves areas outside the City.
2. The treatment plant's service area includes a number of parcels that utilize septic systems for wastewater disposal, and all parties agree these people should be removed from the population estimate.
3. Dr. Horner estimated the number of residential parcels as set forth in the memorandum dated March 5, 2008. The City used more complete data to estimate this segment of the population. The Central Valley Water Board finds the City's estimate to be more accurate.
4. Dr. Horner concluded that the City provided inadequate documentation prior to the hearing to substantiate either the number of residential facilities on septic systems or the number of residential facilities outside the City limits served by the Facility. The City provided sworn testimony of Alexander Quinn, a qualified expert, at the hearing to substantiate its population estimates.
5. The Central Valley Water Board takes official notice of the fact that most small communities include schools and businesses. There is no evidence that the Facility's service area is distinguishable from other small communities in the concentration of schools and businesses within the service area. Therefore, there is no reason to include schools and businesses in this case but not others. Counting employees and students may lead to over-counting because, for example, a resident who works and goes to school within the service area would count three times. Moreover, "population" is typically used to mean *residential* population.
6. The Central Valley Water Board finds that including school and business populations in the size of the "population served" is not appropriate and is contrary to the intent of the statute.
7. The Central Valley Water Board finds Mr. Alexander's testimony regarding estimates of parcels served by septic, and parcels served by the Facility outside the City limits, to be credible, and his statistical methodology to be reasonable. The Board also finds Dr.

Horner's testimony to be credible, but finds that the City's estimate to be more reasonable and consistent with the purpose of the small community exception, and based on a more complete data set. Dr. Horner did not have a complete data set when he made his findings.

8. The City estimated the 2001 service area population to be 10,135 when it applied for a small community grant. However, City representatives explained that estimate was based on a different definition of small community. In addition, that estimate only needed to demonstrate that the population was below 20,000 and was therefore less precise than the current population estimates. The Central Valley Water Board finds this explanation to be reasonable and credible.
9. Mr. Quinn used approved Department of Finance statistical methods to estimate service area population between 2000 and 2007. The Central Valley Water Board finds that 9,955 is a credible estimate of the 2007 population, even including a reasonable statistical deviation.
10. The State Water Board has determined that the Facility serves a "community with a financial hardship."
11. The Central Valley Water Board therefore finds the Facility served a "small community with a financial hardship" at all times relevant to this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Officer is directed to issue a final order under her delegated authority.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the Central Valley Regional Water Quality Control Board, on **24 October 2008**.

PAMELA C. CREEDON, Executive Officer