

Central Valley Regional Water Quality Control Board

5 March 2018

Thomas G. Skjelstad
General Manager
Donner Summit Public Utility District
53823 Sherritt Lane
Soda Springs, CA 95728

CERTIFIED MAIL
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2018-0509 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, DONNER SUMMIT PUBLIC UTILITY DISTRICT, WASTEWATER TREATMENT PLANT, NEVADA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order R5-2015-0068-01 (NPDES No. CA0081621) by the Donner Summit Public Utility District (Discharger), for its Wastewater Treatment Plant (Facility). The Complaint charges the Discharger with administrative civil liability in the amount of **nine thousand dollars (\$9,000)**, which represents the sum of mandatory minimum penalties (MMPs) for effluent limitation violations (identified in Attachment A of the Complaint) that occurred between 1 January 2017 and 31 December 2017. The Complaint alleges three lead violations.

On 26 January 2018, Central Valley Water Board staff issued a draft Record of Violations (ROV), for the period from 1 July 2016 through 31 December 2017. The Discharger responded on 27 February 2018 and did not dispute the violations. All alleged violations can be found in Attachment A of the Complaint.

Pursuant to Water Code section 13323, the Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **29 March 2018**, a hearing will be scheduled for the **31 May 2018/ 1 June 2018** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedures must be received by Stephanie Yu, whose contact information is listed in the Hearing Procedures, by **5:00 p.m. on 15 March 2018**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by the State Water Resource Control Board, Accounting Office at PO Box 1888 Sacramento, California, 95812-1888 by **29 March 2018**. The check shall be made payable to the State Water Pollution Cleanup and Abatement Account. The waiver and a copy of the check must be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, CA, 95670 attention to Howard Hold by **29 March 2018**.

The settlement will be considered final pending a 30-day comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Kari Holmes at (916) 464-4623 or Kari.Holmes@waterboards.ca.gov.



HOWARD HOLD, Acting Supervisor
Compliance and Enforcement Section

Enclosures (3): ACL Complaint R5-2018-0509
Waiver Form
Hearing Procedures

cc w/o encl: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Kenneth Greenberg, USEPA, Region 9, San Francisco
David Boyers, Office of Enforcement, SWRCB, Sacramento
Stephanie Yu, Office of Chief Counsel, SWRCB, Sacramento
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Nevada County Department of Environmental Health, Nevada City
Bill Jennings, California Sportfishing Protection Alliance, Stockton
Jae Kim, Tetra Tech, Fairfax, VA