

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

In the Matter of:

ORDER R5-2026-0502

**SACRAMENTO AREA SEWER  
DISTRICT  
SACRAMENTO COUNTY**

**SETTLEMENT AGREEMENT AND  
STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY  
ORDER**

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**I. Introduction**

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the Sacramento Area Sewer District (Discharger) (collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to California Water Code section 13323 and Government Code section 11415.60. This Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability against the Discharger in the amount of two hundred forty-two thousand seven hundred fifty dollars (\$242,750).

**II. Recitals**

2. The Discharger operates a sanitary sewer collection system serving more than one million people in the Sacramento Region. The Discharger's collection system was regulated under Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems Order No. 2006-0003-DWQ (2006 Sanitary Sewer Systems Order) through 4 June 2023 until it was rescinded and replaced by Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems Order No. 2022-0103-DWQ (2022 Sanitary Sewer Systems Order). The 2006 and 2022 Sewer Sanitary Systems Orders require the Discharger to operate and maintain its collection system to prevent sanitary sewer overflows and spills (SSOs). The Prosecution Team alleges that Discharger violated Prohibition C.1 of the 2006 Sanitary Sewer Systems Order, Prohibition 4.1 of the 2022 Sanitary Sewer Systems Order, Water Code section 13376, and Clean Water Act section 301 by discharging untreated domestic and municipal wastewater to water of the United States without a National Pollutant Discharge Elimination System (NPDES) permit.

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3. Clean Water Act section 301 (33 U.S.C. § 1311) and Water Code section 13376 prohibit the discharge of pollutants to surface water except in compliance with a NPDES permit. Neither the 2006 nor the 2022 Sanitary Sewer System Orders are NPDES permits.
4. The Prosecution Team alleges that between 1 October 2021 and 31 March 2025, the Discharger had 184 Category 1 SSOs from its collection system. The spills resulted in a total volume of 362,433 gallons of raw sewage (also referred to as untreated wastewater or municipal wastewater) discharged from the collection system to water of the United States and was not recovered. Specifically, as described in Attachments A and B, herein incorporated by reference, the Prosecution Team alleges four violations:
  - Violation 1: 24 October 2021 spill
    - Violation 1 is for a spill of 104,811 gallons of raw sewage laden stormwater at 4315 Niobe Circle, Rancho Cordova, which flowed to Morrison Creek tributary of the Sacramento River, a water of the United States.
  - Violation 2: 31 December 2022 spill
    - Violation 2 is for a spill of 49,520 gallons of raw sewage laden stormwater at 4033 Las Padas Way, Sacramento, which flowed to an unnamed tributary of Strong Ranch Slough, which drains to the American River, a water of the United States.
  - Violation 3: 48 Category 1 spills that occurred between 1 October 2021 and 31 March 2025 within the American River Watershed
    - Violation 3 consists of 48 spills ranging from 14 to 5,329 gallons resulting in a combined discharge of 19,965 unrecovered gallons of raw sewage laden stormwater in the American River Watershed during the effective periods of the 2017 Enforcement Policy and the 2024 Enforcement Policy.
  - Violation 4: 134 spills that occurred between 1 October 2021 and 31 March 2025 outside the American River Watershed
    - Violation 4 consists of 134 spills ranging from 11 to 37,476 gallons resulting in a combined discharge of 188,137 unrecovered gallons of raw sewage laden stormwater outside of the American River Watershed during the effective periods of the 2017 Enforcement Policy and the 2024 Enforcement Policy.
5. For Violations 1-4, the Prosecution Team's pursuit of the Administrative Civil Liability is based on its conclusion that the Discharger violated either Prohibition C.1 of the 2006 Sanitary Sewer Systems Order or Prohibition 4.1 of the 2022

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Sanitary Sewer Systems Order, Clean Water Act section 301, and Water Code section 13376 by discharging raw sewage to a water of the state and the United States.

6. Pursuant to Water Code section 13385, subdivision (a), any person who violates Water Code section 13376 or any requirements of Clean Water Act section 301 is subject to administrative civil liability pursuant to Water Code section 13385 subdivision (c), in an amount not to exceed the sum of both of the following: (1) ten thousand dollars (\$10,000) for each day in which the violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
7. The State Water Board's 2017 Water Quality Enforcement Policy (2017 Enforcement Policy) establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code sections 13327 and 13385(e). On 5 December 2023 and 20 August 2024, the State Water Board adopted Resolutions 2023-0043 and 2024-0027, respectively, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by the Office of Administrative Law and become effective on November 7, 2024. The Prosecution Team developed the proposed administrative civil liability based on the 2017 Enforcement Policy and the 2024 Enforcement Policy. Both the 2017 Enforcement Policy and the 2024 Enforcement Policy are used in the penalty methodology included as Attachment B to calculate penalties for violations that occurred when each policy was in effect. Violations that occurred prior to 7 November 2024 are considered under the 2017 Enforcement Policy. Violations occurring on or after 7 November 2024 are considered under the 2024 Enforcement Policy, subject to the caveats set forth in Appendix D to the 2024 Enforcement Policy.
8. The 2017 and 2024 Enforcement Policies establish a methodology for assessing administrative civil liabilities. Use of the methodology incorporates Water Code sections 13327 and 13385 that require the Central Valley Water Board to consider specific factors when determining the amount of civil liability to impose, including "...the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require."

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9. The Parties agree to fully settle the violations summarized above, and specifically identified in Attachments A and B, without administrative or civil litigation and by presenting this Stipulation to the Central Valley Water Board, or its delegee, for adoption as an Order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60.
10. To resolve the violations by consent and without further administrative or civil proceedings, the Parties have agreed to the imposition of an administrative civil liability against the Discharger in the amount of two hundred forty-two thousand seven hundred fifty dollars (\$242,750).
11. The Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.

### III. Stipulations

The Parties incorporate the foregoing Recitals and stipulate to the following:

1. **Jurisdiction:** The Parties agree that the Central Valley Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction of the Parties to this Stipulation.
2. **Administrative Civil Liability:** The Discharger hereby agrees to the imposition of an administrative civil liability in the amount of **two hundred forty-two thousand seven hundred fifty dollars (\$242,750)** by the Central Valley Water Board to resolve the violations specifically alleged herein.

No later than 30 days after the Central Valley Water Board, or its delegee, signs this Stipulated Order, the Discharger shall submit a check for **two hundred forty-two thousand seven hundred fifty dollars (\$242,750)** made payable to the "State Water Pollution Cleanup and Abatement Account," referencing the Order number on page one of this Order, and mail it to:

State Water Resources Control Board Accounting Office  
Attn: ACL Payment  
P.O. Box 18882  
Sacramento, CA 95812-1888

The Discharger shall provide a copy of the check via email to the State Water Board, Office of Enforcement ([Perry.Elerts@waterboards.ca.gov](mailto:Perry.Elerts@waterboards.ca.gov)) and the Central Valley Water Board ([Xuan.Luo@waterboards.ca.gov](mailto:Xuan.Luo@waterboards.ca.gov)).

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3. **Compliance with Applicable Laws and Regulatory Changes:** The Discharger understands that payment of an administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that additional violations of the type alleged may subject it to further enforcement, including additional administrative civil liabilities. Nothing in this Stipulated Order shall excuse the Discharger from meeting any more stringent requirements which may be imposed hereafter by changes in applicable and legally binding legislation or regulations.

4. **Party Contacts for Communications Related to Stipulated Order:**

**For the Central Valley Water Board:**

Xuan Luo  
Senior Water Resources Control Engineer  
NPDES Compliance and Enforcement  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
(916) 464-4848  
[Xuan.Luo@waterboards.ca.gov](mailto:Xuan.Luo@waterboards.ca.gov)

**For the Discharger:**

Mai-Tram T. Le, P.E.  
Senior Civil Engineer  
Business Planning Group  
Sacramento Area Sewer District  
10060 Goethe Road  
Sacramento, CA 95827  
[lem@sacsewer.com](mailto:lem@sacsewer.com)

5. **Attorneys' Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

6. **Matters Addressed by This Stipulated Order:** Upon the Central Valley Water Board's or its delegee's adoption, this Stipulated Order represents a final and binding resolution and settlement of the violations alleged above and in Attachments A and B, as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on the full payment of the administrative civil liability by the deadline specified in section III, paragraph 2.

7. **Public Notice:** The Discharger understands that this Stipulated Order will be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is

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received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. The Discharger agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.

8. **Procedure:** The Parties agree that the procedure that has been adopted for the approval of the settlement by the Parties and review by the public, as reflected in this Order, will be adequate. In the event procedural objections are raised prior to this Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
9. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Central Valley Water Board reserves all rights to take additional enforcement actions, including without limitation, the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Order.
10. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Central Valley Water Board or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
11. **Interpretation:** This Stipulated Order shall not be construed against the party preparing it but shall be construed as if the Parties jointly prepared it and any uncertainty and ambiguity shall not be interpreted against any one party.
12. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation whether made before or after the execution of this Order. All modifications must be made in writing explicitly referencing this Stipulated Order, and approved by the Central Valley Water Board or its delegee.
13. **Integration:** This Stipulated Order constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Stipulated Order.

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14. **If Order Does Not Take Effect:** The Discharger's obligations under this Stipulated Order are contingent upon the entry of the Order of the Central Valley Water Board, or its delegee, as proposed. In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its delegee, or is vacated in whole or in part by the State Water Board or a court, the Parties acknowledge that the Prosecution Team may proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess an administrative civil liability for the underlying alleged violations, or may continue to pursue settlement. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in any subsequent administrative or judicial proceeding or hearing and will be fully protected by California Evidence Code sections 1152 and 1154; California Government Code section 11415.60; Rule 408, Federal Rules of Evidence; and any other applicable privilege under federal and/or state law. The Parties also agree to waive any and all objections related to their efforts to settle this matter, including, but not limited to:
- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections to the extent that they are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions, and therefore may have formed impressions or conclusions, prior to conducting any contested evidentiary hearing in this matter; or
  - b. Laches or delay or other equitable defenses based on the time period that the Order or decision by settlement may be subject to administrative or judicial review.
15. **Waiver of Hearing:** The Discharger has been informed of the rights provided by Water Code section 13323, subdivision (b), and, if the settlement is adopted by the Central Valley Water Board, hereby waives its right to a hearing before the Central Valley Water Board prior to the Stipulated Order's adoption. However, should the settlement not be adopted, and should the matter proceed to the Central Valley Water Board or State Water Board for hearing, the Discharger does not waive the right to a hearing before an order is imposed.
16. **Waiver of Right to Petition:** The Discharger hereby waives the right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives the right, if any, to appeal the same to a California Superior Court and/or any California appellate level court. In the event the Stipulated Order is not adopted by the Central Valley Water Board, the Discharger does not waive its right to petition a future order imposed by the Central Valley Water Board

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17. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by this Stipulation and Order.
18. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that they are authorized to execute this Order on behalf of and to bind the entity on whose behalf the Order is executed.
19. **Necessity for Written Approvals:** All approvals and decisions of the Central Valley Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments by employees or officials of the Central Valley Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
20. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligation on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
21. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.
22. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order incorporating the terms of this Stipulated Order.
23. **Counterpart Signatures:** This Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.



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**IT IS SO STIPULATED.**

California Regional Water Quality Control Board, Central Valley Region Prosecution Team

By:  Digitally signed by John J. Baum  
Date: 2026.03.24 10:28:32 -07'00'

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John J. Baum  
Assistant Executive Officer

**March 24, 2026**

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Date

Sacramento Area Sewer District

By:  Christoph Dobson

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Christoph Dobson  
District Engineer

3/25/2026

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Date

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**HAVING CONSIDERED THE PARTIES STIPULATIONS, THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:**

1. The foregoing Stipulation is fully incorporated herein and made part of this Order.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The Central Valley Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321, subdivision (a)(2), Title 14, of the California Code of Regulations.
3. The Executive Officer of the Central Valley Water Board is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Order.

Pursuant to Water Code section 13323 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.

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Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

Attachment A: List of Spills Comprising Violations 1-4

Attachment B: Penalty Calculation Methodology

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**Table A-1. Violation 1: 4315 Niobe Circle, Rancho Cordova Spill**

SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
877235	10/24/2021	10/25/2021	2	104,811	103,811	\$ 20,000	\$ 1,038,110	\$ 1,058,110

**Table A-2. Violation 2: 4033 Las Pasas Way, Sacramento Spill**

SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
885266	12/31/2022	12/31/2022	1	49,520	48,520	\$ 10,000	\$ 485,200	\$ 495,200

**Table A-3. Violation 3: Spills that Discharged to surface water within the American River Watershed**

SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
876980	10/14/2021	10/15/2021	2	0	0	\$ 20,000	\$ -	\$ 20,000
877137	10/24/2021	10/24/2021	1	3,894	2,894	\$ 10,000	\$ 28,940	\$ 38,940

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SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
877596	11/10/2021	11/12/2021	3	0	0	\$ 30,000	\$ -	\$ 30,000
878046	12/8/2021	12/9/2021	2	498	0	\$ 20,000	\$ -	\$ 20,000
878282	12/23/2021	12/23/2021	1	76	0	\$ 10,000	\$ -	\$ 10,000
878331	12/23/2021	12/24/2021	2	109	0	\$ 20,000	\$ -	\$ 20,000
878419	12/24/2021	12/24/2021	1	204	0	\$ 10,000	\$ -	\$ 10,000
878717	1/6/2022	1/6/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
879533	1/21/2022	2/21/2022	32	648	0	\$ 320,000	\$ -	\$ 320,000
879331	2/7/2022	2/7/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
879352	2/8/2022	2/8/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
879360	2/8/2022	2/8/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
880642	4/11/2022	4/11/2022	1	167	0	\$ 10,000	\$ -	\$ 10,000
880776	4/18/2022	4/19/2022	2	1,836	836	\$ 20,000	\$ 8,360	\$ 28,360
880807	4/18/2022	4/19/2022	2	1,097	97	\$ 20,000	\$ 970	\$ 20,970
881250	5/11/2022	5/12/2022	2	1,172	172	\$ 20,000	\$ 1,720	\$ 21,720
882617	8/1/2022	8/1/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
882807	8/16/2022	8/16/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
883304	9/15/2022	9/15/2022	1	-1	0	\$ 10,000	\$ -	\$ 10,000
884114	10/31/2022	11/1/2022	2	507	0	\$ 20,000	\$ -	\$ 20,000
884220	11/5/2022	11/8/2022	4	582	0	\$ 40,000	\$ -	\$ 40,000
884431	11/14/2022	11/21/2022	8	210	0	\$ 80,000	\$ -	\$ 80,000
884747	12/10/2022	12/10/2022	1	11	0	\$ 10,000	\$ -	\$ 10,000
885161	12/31/2022	12/31/2022	1	44	0	\$ 10,000	\$ -	\$ 10,000
885173	1/1/2023	1/3/2023	3	237	0	\$ 30,000	\$ -	\$ 30,000

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SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
885375	1/8/2023	1/8/2023	1	1,405	405	\$ 10,000	\$ 4,050	\$ 14,050
885376	1/8/2023	1/8/2023	1	144	0	\$ 10,000	\$ -	\$ 10,000
885407	1/9/2023	1/9/2023	1	3,536	2,536	\$ 10,000	\$ 25,360	\$ 35,360
885467	1/10/2023	1/12/2023	3	111	0	\$ 30,000	\$ -	\$ 30,000
885480	1/12/2023	1/12/2023	1	10	0	\$ 10,000	\$ -	\$ 10,000
885687	1/20/2023	1/20/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
886146	2/11/2023	2/11/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
888078	4/30/2023	4/30/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
889396	7/5/2023	7/5/2023	1	30	0	\$ 10,000	\$ -	\$ 10,000
889865	8/5/2023	8/9/2023	5	0	0	\$ 50,000	\$ -	\$ 50,000
890278	9/8/2023	9/8/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
892144	1/13/2024	1/13/2024	1	26	0	\$ 10,000	\$ -	\$ 10,000
892147	1/13/2024	1/13/2024	1	27	0	\$ 10,000	\$ -	\$ 10,000
893269	1/31/2024	2/1/2024	2	36	0	\$ 20,000	\$ -	\$ 20,000
893300	2/3/2024	2/3/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
893525	2/14/2024	2/14/2024	1	9	0	\$ 10,000	\$ -	\$ 10,000
893907	2/26/2024	3/5/2024	9	1,309	309	\$ 90,000	\$ 3,090	\$ 93,090
894036	3/16/2024	3/16/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
894069	3/17/2024	3/17/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
897726	11/25/2024	11/25/2024	1	15	0	\$ 10,000	\$ -	\$ 10,000
898255	12/26/2024	12/27/2024	2	172	0	\$ 20,000	\$ -	\$ 20,000
898303	12/29/2024	12/29/2024	1	1,660	660	\$ 10,000	\$ 6,600	\$ 16,600
898420	12/31/2024	12/31/2024	1	184	0	\$ 10,000	\$ -	\$ 10,000

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**Table A-4. Violation 4: Spills that Discharged to surface water outside of the American River Watershed**

SSO_EVENT_ID	Spill Start Date	Spill End Date	Days	Gallons Discharged to Surface Water and Not Recovered	Gallons Discharged to Surface Water (Less 1,000 Gallons)	Liability at \$10,000/day	Liability at \$10/gallon	Maximum Penalty
877031	10/21/2021	10/21/2021	1	100	0	\$ 10,000	\$ -	\$ 10,000
877262	10/21/2021	10/26/2021	6	715	0	\$ 60,000	\$ -	\$ 60,000
877135	10/22/2021	10/23/2021	2	146	0	\$ 20,000	\$ -	\$ 20,000
877420	10/22/2021	10/24/2021	3	6,463	5,463	\$ 30,000	\$ 54,630	\$ 84,630
877136	10/23/2021	10/23/2021	1	40	0	\$ 10,000	\$ -	\$ 10,000
877138	10/24/2021	10/25/2021	2	1,404	404	\$ 20,000	\$ 4,040	\$ 24,040
877236	10/24/2021	10/24/2021	1	18,514	17,514	\$ 10,000	\$ 175,140	\$ 185,140
877449	10/31/2021	11/4/2021	5	355	0	\$ 50,000	\$ -	\$ 50,000
877421	11/2/2021	11/2/2021	1	0	0	\$ 10,000	\$ -	\$ 10,000
877439	11/2/2021	11/3/2021	2	2,242	1,242	\$ 20,000	\$ 12,420	\$ 32,420
877659	11/16/2021	11/17/2021	2	1,305	305	\$ 20,000	\$ 3,050	\$ 23,050
877864	11/25/2021	11/26/2021	2	0	0	\$ 20,000	\$ -	\$ 20,000
878107	11/27/2021	12/11/2021	15	9,009	8,009	\$ 150,000	\$ 80,090	\$ 230,090
878116	12/8/2021	12/13/2021	6	901	0	\$ 60,000	\$ -	\$ 60,000
878112	12/10/2021	12/12/2021	3	430	0	\$ 30,000	\$ -	\$ 30,000
878249	12/21/2021	12/21/2021	1	276	0	\$ 10,000	\$ -	\$ 10,000
878316	12/23/2021	12/23/2021	1	6,824	5,824	\$ 10,000	\$ 58,240	\$ 68,240
878420	12/25/2021	12/25/2021	1	10	0	\$ 10,000	\$ -	\$ 10,000
878425	12/26/2021	12/27/2021	2	238	0	\$ 20,000	\$ -	\$ 20,000
878430	12/29/2021	12/29/2021	1	42	0	\$ 10,000	\$ -	\$ 10,000
878434	12/29/2021	12/29/2021	1	6	0	\$ 10,000	\$ -	\$ 10,000

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878833	1/17/2022	1/17/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
879394	2/10/2022	2/10/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
880246	2/12/2022	2/12/2022	1	16	0	\$ 10,000	\$ -	\$ 10,000
880122	3/18/2022	3/22/2022	5	737	0	\$ 50,000	\$ -	\$ 50,000
880320	3/24/2022	3/24/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
880465	3/27/2022	3/28/2022	2	205	0	\$ 20,000	\$ -	\$ 20,000
880613	4/9/2022	4/9/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
880762	4/15/2022	4/15/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
881227	5/11/2022	5/11/2022	1	66	0	\$ 10,000	\$ -	\$ 10,000
881300	5/13/2022	5/16/2022	4	495	0	\$ 40,000	\$ -	\$ 40,000
881537	5/28/2022	6/1/2022	5	309	0	\$ 50,000	\$ -	\$ 50,000
881857	6/5/2022	6/19/2022	15	1,953	953	\$ 150,000	\$ 9,530	\$ 159,530
881970	6/23/2022	6/23/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
882059	6/27/2022	6/27/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
882122	6/29/2022	6/30/2022	2	0	0	\$ 20,000	\$ -	\$ 20,000
882393	7/20/2022	7/20/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
882653	8/3/2022	8/3/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
884087	10/28/2022	10/30/2022	3	0	0	\$ 30,000	\$ -	\$ 30,000
884150	10/31/2022	11/3/2022	4	289	0	\$ 40,000	\$ -	\$ 40,000
884218	11/8/2022	11/8/2022	1	58	0	\$ 10,000	\$ -	\$ 10,000
884222	11/8/2022	11/8/2022	1	141	0	\$ 10,000	\$ -	\$ 10,000
884269	11/10/2022	11/10/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
884673	11/29/2022	12/5/2022	7	352	0	\$ 70,000	\$ -	\$ 70,000

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884672	12/3/2022	12/5/2022	3	252	0	\$ 30,000	\$ -	\$ 30,000
884654	12/4/2022	12/4/2022	1	11	0	\$ 10,000	\$ -	\$ 10,000
884693	12/6/2022	12/6/2022	1	0	0	\$ 10,000	\$ -	\$ 10,000
884793	12/9/2022	12/12/2022	4	2,040	1,040	\$ 40,000	\$ 10,400	\$ 50,400
884771	12/11/2022	12/11/2022	1	53	0	\$ 10,000	\$ -	\$ 10,000
884914	12/21/2022	12/21/2022	1	334	0	\$ 10,000	\$ -	\$ 10,000
884972	12/26/2022	12/27/2022	2	524	0	\$ 20,000	\$ -	\$ 20,000
885159	12/31/2022	12/31/2022	1	1,170	170	\$ 10,000	\$ 1,700	\$ 11,700
885205	12/31/2022	1/1/2023	2	1,441	441	\$ 20,000	\$ 4,410	\$ 24,410
885206	12/31/2022	1/1/2023	2	2,200	1,200	\$ 20,000	\$ 12,000	\$ 32,000
885260	12/31/2022	12/31/2022	1	552	0	\$ 10,000	\$ -	\$ 10,000
885188	1/1/2023	1/2/2023	2	91	0	\$ 20,000	\$ -	\$ 20,000
885208	1/1/2023	1/2/2023	2	144	0	\$ 20,000	\$ -	\$ 20,000
885224	1/1/2023	1/1/2023	1	525	0	\$ 10,000	\$ -	\$ 10,000
885326	1/4/2023	1/5/2023	2	23	0	\$ 20,000	\$ -	\$ 20,000
885301	1/5/2023	1/5/2023	1	122	0	\$ 10,000	\$ -	\$ 10,000
885302	1/5/2023	1/5/2023	1	30	0	\$ 10,000	\$ -	\$ 10,000
885303	1/5/2023	1/5/2023	1	1,131	131	\$ 10,000	\$ 1,310	\$ 11,310
885371	1/7/2023	1/7/2023	1	30	0	\$ 10,000	\$ -	\$ 10,000
885372	1/7/2023	1/7/2023	1	56	0	\$ 10,000	\$ -	\$ 10,000
885408	1/7/2023	1/7/2023	1	22	0	\$ 10,000	\$ -	\$ 10,000
885398	1/9/2023	1/9/2023	1	843	0	\$ 10,000	\$ -	\$ 10,000
885409	1/9/2023	1/10/2023	2	20,223	19,223	\$ 20,000	\$ 192,230	\$ 212,230



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885410	1/9/2023	1/9/2023	1	4,629	3,629	\$ 10,000	\$ 36,290	\$ 46,290
885518	1/9/2023	1/11/2023	3	150	0	\$ 30,000	\$ -	\$ 30,000
885487	1/12/2023	1/13/2023	2	213	0	\$ 20,000	\$ -	\$ 20,000
885516	1/14/2023	1/14/2023	1	1,207	207	\$ 10,000	\$ 2,070	\$ 12,070
885521	1/14/2023	1/14/2023	1	1,639	639	\$ 10,000	\$ 6,390	\$ 16,390
885564	1/14/2023	1/14/2023	1	1,180	180	\$ 10,000	\$ 1,800	\$ 11,800
885566	1/14/2023	1/14/2023	1	6,356	5,356	\$ 10,000	\$ 53,560	\$ 63,560
885572	1/15/2023	1/16/2023	2	2,879	1,879	\$ 20,000	\$ 18,790	\$ 38,790
885593	1/17/2023	1/17/2023	1	791	0	\$ 10,000	\$ -	\$ 10,000
885675	1/19/2023	1/20/2023	2	135	0	\$ 20,000	\$ -	\$ 20,000
885866	1/29/2023	1/30/2023	2	70	0	\$ 20,000	\$ -	\$ 20,000
885982	1/29/2023	2/5/2023	8	1,280	280	\$ 80,000	\$ 2,800	\$ 82,800
885897	1/30/2023	1/31/2023	2	0	0	\$ 20,000	\$ -	\$ 20,000
885974	2/2/2023	2/3/2023	2	235	0	\$ 20,000	\$ -	\$ 20,000
886078	2/8/2023	2/9/2023	2	39	0	\$ 20,000	\$ -	\$ 20,000
887005	2/14/2023	3/7/2023	22	12,313	11,313	\$ 220,000	\$ 113,130	\$ 333,130
886551	2/24/2023	2/24/2023	1	15	0	\$ 10,000	\$ -	\$ 10,000
886552	2/24/2023	2/24/2023	1	59	0	\$ 10,000	\$ -	\$ 10,000
886604	2/25/2023	2/27/2023	3	448	0	\$ 30,000	\$ -	\$ 30,000
886974	3/2/2023	3/6/2023	5	1,417	417	\$ 50,000	\$ 4,170	\$ 54,170
886999	3/5/2023	3/7/2023	3	329	0	\$ 30,000	\$ -	\$ 30,000
887014	3/8/2023	3/8/2023	1	89	0	\$ 10,000	\$ -	\$ 10,000
887019	3/10/2023	3/10/2023	1	2,430	1,430	\$ 10,000	\$ 14,300	\$ 24,300

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887020	3/10/2023	3/11/2023	2	71	0	\$ 20,000	\$ -	\$ 20,000
887468	3/28/2023	3/28/2023	1	26	0	\$ 10,000	\$ -	\$ 10,000
888193	5/5/2023	5/8/2023	4	180	0	\$ 40,000	\$ -	\$ 40,000
888873	6/12/2023	6/13/2023	2	0	0	\$ 20,000	\$ -	\$ 20,000
890409	9/13/2023	9/14/2023	2	1,373	373	\$ 20,000	\$ 3,730	\$ 23,730
890837	10/13/2023	10/13/2023	1	16	0	\$ 10,000	\$ -	\$ 10,000
891152	11/4/2023	11/5/2023	2	50	0	\$ 20,000	\$ -	\$ 20,000
891177	11/6/2023	11/6/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
891441	12/1/2023	12/4/2023	4	231	0	\$ 40,000	\$ -	\$ 40,000
895629	12/1/2023	7/9/2024	55	275	0	\$ 550,000	\$ -	\$ 550,000
891547	12/13/2023	12/13/2023	1	0	0	\$ 10,000	\$ -	\$ 10,000
891660	12/20/2023	12/21/2023	2	96	0	\$ 20,000	\$ -	\$ 20,000
891725	12/27/2023	12/28/2023	2	1,152	152	\$ 20,000	\$ 1,520	\$ 21,520
891765	1/2/2024	1/2/2024	1	266	0	\$ 10,000	\$ -	\$ 10,000
891980	1/5/2024	1/9/2024	5	433	0	\$ 50,000	\$ -	\$ 50,000
893356	2/6/2024	2/6/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
893471	2/10/2024	2/10/2024	1	7,298	6,298	\$ 10,000	\$ 62,980	\$ 72,980
893524	2/12/2024	2/18/2024	7	1,164	164	\$ 70,000	\$ 1,640	\$ 71,640
893538	2/18/2024	2/19/2024	2	630	0	\$ 20,000	\$ -	\$ 20,000
893641	2/22/2024	2/22/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
893660	2/24/2024	2/24/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
893809	2/28/2024	3/1/2024	3	114	0	\$ 30,000	\$ -	\$ 30,000
893852	3/1/2024	3/2/2024	2	69	0	\$ 20,000	\$ -	\$ 20,000

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893909	3/2/2024	3/6/2024	5	675	0	\$ 50,000	\$ -	\$ 50,000
893865	3/3/2024	3/3/2024	1	64	0	\$ 10,000	\$ -	\$ 10,000
894035	3/4/2024	3/14/2024	11	807	0	\$ 110,000	\$ -	\$ 110,000
894037	3/13/2024	3/13/2024	1	1,311	311	\$ 10,000	\$ 3,110	\$ 13,110
894665	3/30/2024	4/26/2024	28	9,516	8,516	\$ 280,000	\$ 85,160	\$ 365,160
894795	5/7/2024	5/7/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
895590	7/6/2024	7/6/2024	1	77	0	\$ 10,000	\$ -	\$ 10,000
896651	9/20/2024	9/21/2024	2	0	0	\$ 20,000	\$ -	\$ 20,000
896883	10/5/2024	10/5/2024	1	0	0	\$ 10,000	\$ -	\$ 10,000
897567	11/5/2024	11/18/2024	14	120	0	\$ 140,000	\$ -	\$ 140,000
897475	11/7/2024	11/8/2024	2	0	0	\$ 20,000	\$ -	\$ 20,000
897734	11/25/2024	11/26/2024	2	142	0	\$ 20,000	\$ -	\$ 20,000
897847	12/2/2024	12/4/2024	3	0	0	\$ 30,000	\$ -	\$ 30,000
898013	12/12/2024	12/13/2024	2	160	0	\$ 20,000	\$ -	\$ 20,000
898249	12/16/2024	12/26/2024	11	37,334	36,334	\$ 110,000	\$ 363,340	\$ 473,340
898720	1/17/2025	1/17/2025	1	0	0	\$ 10,000	\$ -	\$ 10,000
898828	1/21/2025	1/24/2025	4	0	0	\$ 40,000	\$ -	\$ 40,000
898827	1/22/2025	1/22/2025	1	0	0	\$ 10,000	\$ -	\$ 10,000
899724	2/11/2025	2/11/2025	1	34	0	\$ 10,000	\$ -	\$ 10,000
899870	2/17/2025	2/19/2025	3	150	0	\$ 30,000	\$ -	\$ 30,000
900529	3/26/2025	3/26/2025	1	942	0	\$ 10,000	\$ -	\$ 10,000

## **Attachment B to Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R5-2026-0502 Sacramento Area Sewer District Sanitary Sewer Overflows**

This document provides the administrative civil liability penalty methodology for the Sacramento Area Sewer District's (Discharger or SASD) Category 1 sanitary sewer overflows (SSOs) that occurred between 1 October 2021 and 31 March 2025. SASD was regulated under Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems Order No. 2006-0003-DWQ (2006 Sanitary Sewer Systems Order) through 4 June 2023 until it was rescinded and replaced by Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems Order No. 2022-0103-DWQ (2022 Sanitary Sewer Systems Order).

According to the spill reports submitted into the California Integrated Water Quality System (CIWQS), a total of 184 Category 1 spills occurred between 1 October 2021 and 31 March 2025, with a total volume of 362,433 gallons of waste discharged to surface waters and not recovered. The Discharger has attributed multiple SSOs to operational and structural failures, including root intrusion, grease deposition, vandalism, and presence of debris.

### **Enforcement Policy Background**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) Prosecution Team derived the administrative civil liability following the State Water Resources Control Board's (State Water Board's) Water Quality Enforcement Policy (Enforcement Policy) that was in effect at the time of each spill. The administrative civil liability takes into account such factors as a discharger's culpability, cooperation in returning to compliance, ability to pay the proposed liability, and other factors as justice may require.

The State Water Board's 2017 Water Quality Enforcement Policy (2017 Enforcement Policy) establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code (CWC) sections 13327 and 13385, subdivision (e). On 5 December 2023 and 20 August 2024, the State Water Board adopted Resolutions 2023-0043 and 2024-0027, respectively, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by the Office of Administrative Law and become effective on November 7, 2024.<sup>1</sup> The Prosecution Team developed the proposed administrative civil liability based on the 2017

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<sup>1</sup> The 2024 Enforcement Policy provided clarification, procedural updates, and a few substantive changes. The substantive changes to the Policy identified in Appendix D of the 2024 Policy are (1) a prohibition on collapsing days of violation for discharge violations, (2) new language has been added to narrow the definition of "violation" when considering History of Violations and (3) template hearing procedures (Appendix E). The 2024 Enforcement Policy also reordered the penalty methodology

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Attachment B: Penalty Calculation Methodology

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Enforcement Policy and the 2024 Enforcement Policy.<sup>2</sup> Both the 2017 Enforcement Policy and the 2024 Enforcement Policy are used in this penalty methodology to calculate penalties for violations that occurred when each policy was in effect. Violations that occurred prior to 7 November 2024 are considered under the 2017 Enforcement Policy. Violations occurring on or after 7 November 2024 are considered under the 2024 Enforcement Policy, subject to the caveats set forth in Appendix D to the 2024 Enforcement Policy.

### **Regulatory Basis for Alleged Violations**

The Discharger was required to comply with the State Water Board's Statewide General Waste Discharge Requirements for the 2006 Sanitary Sewer Systems Order because it is a municipality that owns or operates a sanitary sewer collection system greater than one mile in length. Prohibition C.1 of the 2006 Sanitary Sewer Systems Order states, "[a]ny SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited." Further, prohibition 4.1 of the 2022 Sanitary Sewer Systems Order prohibits discharges directly or indirectly to waters of the State.

The Prosecution Team alleges that Discharger violated Prohibition C.1 of the 2006 Sanitary Sewer Systems Order, Prohibition 4.1 of the 2022 Sanitary Sewer Systems Order, Water Code section 13376, and Clean Water Act section 301 by discharging untreated domestic and municipal wastewater to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit.

A discharger who violates CWC section 13376 or Clean Water Act section 301 is subject to administrative civil liability under CWC section 13385, subdivision (a). The Prosecution Team has elected to pursue enforcement of the alleged violations pursuant to CWC section 13385, subdivision (a). Pursuant to CWC section 13385, subdivision (c), the administrative civil liability shall not exceed the sum of \$10,000 per day of violation and \$10 per gallon of waste discharged over 1,000 gallons that was not cleaned up.

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<sup>2</sup> The 2017 Enforcement Policy can be found at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2017/040417\\_9\\_final%20adopted%20policy.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf).

The 2024 Enforcement Policy can be found at [https://waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf).

## Violations

For purposes of calculating the administrative civil liability, the Prosecution Team is using its discretion to separate the 184 spills into four groups. Violations 1 and 2 are the largest of the spills in terms of gallons spilled and have unique facts that warrant an individual application of the enforcement policy. Violations 3 and 4 consist of groups of spills that are not substantially distinguishable from one another and have, therefore, been grouped together to allow for efficient application of the appropriate factors based on the facts surrounding the spills.

- Violation 1: 24 October 2021 spill
  - Violation 1 is for a spill of 104,811 gallons of raw sewage laden stormwater at 4315 Niobe Circle, Rancho Cordova, which flowed to Morrison Creek, tributary of the Sacramento River, a water of the United States.
  
- Violation 2: 31 December 2022 spill
  - Violation 2 is for a spill of 49,520 gallons of raw sewage laden stormwater at 4033 Las Pasas Way, Sacramento, which flowed to an unnamed tributary of Strong Ranch Slough, which drains to the American River, a water of the United States.
  
- Violation 3: 48 Category 1 spills that occurred between 1 October 2021 and 31 March 2025 within the American River Watershed.
  - Violation 3 consists of 48 spills ranging from 14 to 5,329 gallons resulting in a combined discharge of 19,965 unrecovered gallons of raw sewage laden stormwater in the American River during the effective periods of the 2017 Enforcement Policy and the 2024 Enforcement Policy.
  
- Violation 4: 134 spills that occurred between 1 October 2021 and 31 March 2025 outside the American River Watershed
  - Violation 4 consists of 134 spills ranging from 11 to 37,476 gallons resulting in a combined discharge of 188,137 unrecovered gallons of raw sewage laden stormwater outside of the American River watershed during the effective periods of the 2017 Enforcement Policy and the 2024 Enforcement Policy.

The facts surrounding the alleged violations, each factor of the ten-step approach to assessing liability for the violations, and the basis for selecting each factor are discussed below.

**Violation 1: 4315 Niobe Circle, Rancho Cordova Spill (CIWQS Event ID 877235)**

The SASD discovered a sanitary sewer system overflow at 4315 Niobe Circle in Rancho Cordova while checking the low manhole in the area during a large storm event on 24 October 2021. SASD noticed a brownish hue to the spill, uncommon for a sanitary sewer overflow. SASD found rainwater from a new development was entering a manhole at the intersection of Chrysanthy Boulevard and Rancho Cordova Parkway due to a failure of a 24-inch pneumatic plug. The plug was installed to prevent water from entering the collection system from the portion of the system that was still under construction in the new development. Rainwater had entered and filled the trenched roadways at the development and overtopped several manholes, causing the 24-inch plug and two additional 8-inch plugs to fail, allowing large amounts of rainwater to enter the sanitary sewer system causing several downstream overflows. The spill of 104,811 gallons of sewage mixed with stormwater reached two unnamed detention basins tributary to Morrison Creek, tributary of the Sacramento River, a water of the United States. The spill was stopped on 25 October 2021.

SASD collected samples upstream of the spill, at the spill entry point to the detention basins, and at two locations downstream of the detention basins on 26 October 2021 and again on 1 November 2021. Monitoring results are summarized in Table 1, below.

Table 1. Monitoring Results – Spill Event ID 877235

Monitoring Location	Date Sampled	Total Coliform MPN/100mL	Fecal Coliform MPN/100mL	Ammonia (as N) mg/L	BOD5 mg/L
Upstream	10/26/2021	23,000	2,200	<0.19	<2
Spill Entry Point	10/26/2021	5,400,000	2,200,000	0.4 (est)	2.5
Downstream 1	10/26/2021	49,000	9,300	<0.19	2.8
Downstream 2	10/26/2021	33,000	4,500	<0.19	2.8

The monitoring results show elevated total fecal coliform at the spill entry point to the detention basins, which attenuated prior to reaching the downstream receiving water monitoring locations. The results also show that the concentration of raw sewage was diluted by the rainwater during the spill, evidenced by the low 5-day Biochemical Oxygen Demand (BOD5) and ammonia concentrations.

SASD prepared and submitted a detailed technical report summarizing the SSO with location maps, volume calculations, and sample results. The technical report and related information were uploaded to the CIWQS database between 8 December 2021 and 13 December 2021, Event ID 877235.

**Step 1 – Actual or Potential for Harm for Discharge Violations**

The “potential harm to beneficial uses” factor considers the harm that may result from exposure to the pollutants in the illegal discharge, while evaluating the nature, circumstances, extent, and gravity of the violation(s). A three-factor scoring system is used for each violation or group of violations to quantify: (1) the degree of toxicity of the discharge; (2) the actual harm or potential harm to beneficial uses; and (3) whether the discharge is susceptible to cleanup or abatement.

**Factor 1: The Degree of Toxicity of the Discharge:**

This factor evaluates the degree of toxicity of the discharge by considering “the physical, chemical, biological, and/or thermal characteristics of the discharge, waste, fill or material involved in the violation or violations and the risk of damage the discharge could cause to receptors or beneficial uses. A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material....” (2024 Enforcement Policy at p. 16). “Potential receptors” may include human health, aquatic life, habitat, etc.

Roughly 13.5 percent of the spill was untreated sewage, which generally contains elevated concentrations of coliform organisms, total suspended solids, biochemical oxygen demand, nitrate, and ammonia. Elevated concentrations of these constituents

can lead to low dissolved oxygen in the receiving water, impacts to aquatic life, and impacts to human health. Analytical samples of the spilled material show elevated total and fecal coliform concentrations, which poses a direct threat to human and ecological receptors. These constituents pose a high risk to human health. Over 85 percent of the spill was sediment laden storm water, which is generally less toxic than raw sewage, but still pose risks to beneficial uses. The unauthorized discharge, thus, poses a “moderate risk or threat to potential receptors,” and a **score of 2** has been assigned for this factor.

### **Factor 2: Actual Harm or Potential Harm to Beneficial Uses:**

“The evaluation of the actual harm or the potential harm to beneficial uses factor considers the harm to beneficial uses in the affected receiving water body that may result from exposure to the pollutants or contaminants in the discharge, consistent with the statutory factors of the nature, circumstances, extent, and gravity of the violation(s).” (2024 Enforcement Policy at p. 17). “A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).” (2024 Enforcement Policy at p. 17).

As a result of this violation, raw sewage laden stormwater was discharged to two unnamed retention basins tributary to Morrison Creek, which flows to the Sacramento River. Beneficial uses of the Sacramento River include municipal and domestic supply, irrigation, contact and non-contact recreation, warm and cold freshwater habitat, warm and cold migration, warm and cold spawning, wildlife habitat, and navigation. Morrison Creek and the Sacramento River are both waters of the state and waters of the United States.

Discharges of raw sewage contain pathogens, nitrogen, ammonia, total suspended solids and biological oxygen demand, all of which can cause adverse impacts to human and aquatic life. As discussed above, samples taken by SASD on 26 October 2021 and 1 November 2021 indicated that total and fecal coliform were present on both days in elevated concentrations at the spill entry point in comparison to upstream samples but had attenuated in the downstream samples by 1 November 2021. This spill occurred during a large storm event and the impact to Morrison Creek was reduced by the dilution with storm water. Therefore, this incident is considered to have had below moderate potential to harm to beneficial uses, which is defined as “observed or reasonably expected potential impacts, but based on the characteristics of the discharge and applicable beneficial uses, harm or potential harm to beneficial uses is measurable in the short term” and a **score of 2** is assigned for this factor.

### **Factor 3: Susceptibility to Cleanup or Abatement:**

“A score of 0 is assigned for this factor if the discharger cleans up 50 percent or more of the discharge within a reasonable amount of time. A score of 1 is assigned for this factor if less than 50 percent of the discharge is susceptible to cleanup or abatement, or if 50 percent or more of the discharge is susceptible to cleanup or abatement, but the discharger failed to cleanup 50 percent or more of the discharge within a reasonable time.” (2024 Enforcement Policy at p. 18).

As described above, 104,811 gallons of sewage mixed with storm water reached the two unnamed retention basins and ultimately flowed to the Sacramento River via Morrison Creek. SASD was able to recover 15 gallons of the spill prior to discharge; however, less than 50% of the spill was cleaned up or susceptible to cleanup. Therefore, a **score of 1** is assigned for this factor.

### **Final Score – Potential for Harm**

The three factor scores are summed to provide a final Potential for Harm score for the violation. For this violation, the **Potential for Harm score is 5**.

### **Step 2 – Assessments for Discharge Violations**



### Per Gallon Assessments for Discharge Violations

“The Deviation from Requirement reflects the extent to which the violation deviates from the specific requirement (effluent limitation, prohibition, monitoring requirement, construction deadline, etc.) that was violated.” (2024 Enforcement Policy at p. 19). A minor, moderate or major score is assessed.

Prohibition C.1 in the 2006 Sanitary Sewer Systems Order prohibits any discharge of SSOs from entering waters of the United States. Similarly, CWC section 13376 and Clean Water Act section 301 prohibit the unauthorized discharge of waste to waters of the United States. The alleged SSO rendered each requirement ineffective in its essential function of protecting water quality and represents a **Major** Deviation from Requirement for Violation 1.

When there is a discharge, the Central Valley Water Board must determine the initial liability amount on a per-gallon basis using the Potential for Harm score and the extent of Deviation from Requirement of the violation. According to Table 1 of the 2017 Enforcement Policy, a major deviation from requirement combined with Potential for Harm of 5 results in a **per-gallon factor of 0.15** for this violation.

### High Volume Discharge

In most cases, the Water Boards shall apply the above Per Gallon Factor to the maximum per gallon penalty amount of \$10 per gallon. However, because the volume of certain discharges can be very high, in accordance with the 2017 and 2024 Enforcement Policy, the Water Boards may elect to use a value between \$2.00 per gallon and \$10.00 per gallon with the above factor to determine the per gallon amount for discharges that are between 100,000 gallons and 2,000,000 gallons for each discharge event, whether it occurs on one or more days.

SASD estimated that a total of 104,811 gallons discharged to surface waters. Therefore, this incident qualifies as “high volume”. In this instance, the Prosecution Team determined that an assessment of \$2.00 per gallon is appropriate and will not result in an inappropriately small administrative civil liability for this violation.

As described above, 104,811 gallons that reached surface waters minus 1,000 gallons equals 103,811. Therefore, the Per-Gallon Assessment is:

#### Per-Gallon Assessment

$$0.15 \times 103,811 \text{ gallons} \times \$2 \text{ per gallon} = \$31,143.30.$$

### Per Day Assessments for Discharge Violations

When there is a discharge, the Central Valley Water Board determines an initial liability amount on a per day basis using the same Potential for Harm and the Deviation from Requirement that was used in the per-gallon analysis. However, the Central Valley Water Board is using its enforcement discretion not to include the Per Day Assessment.

**Initial Liability Amount:** The value is determined by adding together the per gallon assessment and the per day assessment. For this case, the total initial liability is \$31,143.30.

### Step 3 – Per Day Assessments for Non-Discharge Violations

This step is not applicable.

### Step 4 – Adjustment Factors

#### Degree of Culpability

“Higher liabilities should result from intentional or negligent violations as opposed to accidental violations.” (2024 Enforcement Policy at p. 24). A multiplier between 0.75

and 1.5 is to be used, with a higher multiplier for negligent behavior. A neutral assessment of 1.0 should be used when a discharger is determined to have acted as a reasonable and prudent person would have. A multiplier of less than 1.0 should only be used when a discharger demonstrates that it has exceeded the standard of care expected of a reasonably prudent person to prevent the violation.

According to information reported in the CIWQS database by SASD, the spill was caused by a failure of a 24-inch pneumatic plug that was installed to prevent water from entering the collection system from the portion of the system that was still under construction in a new development. SASD acted in a reasonable and prudent manner, so a **multiplier of 1.0** is assigned for Degree of Culpability.

**History of Violations**

The 2017 and 2024 Enforcement Policy states that where the discharger has no prior history of violations, this factor should be 1.0. The 2017 Enforcement Policy further states that this factor should be 1.1 where the discharger has prior violations within the last five years, and greater than 1.1 where the discharger has a history of similar or numerous dissimilar violations. The Central Valley Water Board issued an Administrative Civil Liability Order against SASD for SSO violations in 2021; therefore, a **multiplier of 1.1** is assigned for this factor.

**Cleanup and Cooperation**

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Adjustment should result in a multiplier between 0.75 to 1.5, using a lower multiplier where there is exceptional cleanup and cooperation compared to what is reasonably expected, and a higher multiplier where there is not. SASD responded quickly to this spill and in a manner expected for a collection system operator. Therefore, a **multiplier of 1.0** is assigned for this factor.

**Step 5 – Determination of Total Base Liability Amount**

**Total Base Liability Amount**

Initial Liability Amount x Culpability Multiplier x History of Violations Multiplier x Cleanup and Cooperation Multiplier = Total Base Liability Amount

$$\$31,143.30 \times 1.0 \times 1.1 \times 1.0 = \$34,257.63$$

**Violation 2: 4033 Las Pasas Way, Sacramento Spill (CIWQS Event ID 885266)**

On 31 December 2022, a resident at 4033 Las Pasas Way noticed a manhole overflowing and submitted an electronic notification to the County of Sacramento at approximately 1:00 p.m. The overflow occurred during heavy rains and high winds which caused telecommunication disruptions in the Sacramento Region. Due to these disruptions, the notification was not received until 10:26 a.m. on 1 January 2023. SASD determined that heavy rain caused the sewer system to surcharge on 31 December 2022. The surcharge subsided and the system was flowing correctly on 1 January 2023. Based on rainfall data downloaded from the California Department of Water Resources California Data Exchange Center (CDEC) from a nearby rain gauge operated by Sacramento County (Van Maren), the area received approximately 2.5 inches of rain on 31 December 2022. Using data from flow monitoring equipment inside the overflowing manhole, SASD determined that the overflow started at 10:27 a.m. on 31 December 2022 and ended at 11:55 p.m. on 31 December 2022. SASD determined that the spill entered an unnamed tributary of Strong Ranch Slough, which drains to the American River, a water of the United States.

SASD prepared and submitted a detailed technical report summarizing the SSO with location maps, volume calculations, and sample results. The technical report and

related information was uploaded to the CIWQS database between 14 February 2023, Event ID 885266. The volume estimate prepared by SASD shows that 49,520 gallons of sewage spilled from the manhole with 0 gallons of the spill recovered prior to entering the unnamed tributary of Strong Ranch Slough. SASD collected samples upstream of the spill, at the spill entry point to the unnamed tributary of Strong Ranch Slough, one location in the unnamed tributary downstream of the spill entry location prior to reaching Strong Ranch Slough (Downstream 1), and two Strong Ranch Slough locations downstream of the confluence of the unnamed tributary (Downstream 2 and 3) on 2 January 2023. The monitoring results show elevated total and fecal coliform at the spill entry point and all downstream monitoring locations.

**Factor 1: The Degree of Toxicity of the Discharge:**

As stated above in Violation 1, the toxicity factor evaluates the degree of toxicity of the discharge by evaluating the physical, chemical, biological, and/or thermal nature of the discharged material prior to discharge.

Untreated sewage contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen demanding organic compounds, oil and grease, and other pollutants that have a very high potential to adversely impact human and environmental receptors. The high degree of toxicity in untreated sewage poses a direct threat to adversely impact human and environmental receptors. For human receptors, exposure to untreated sewage can cause gastrointestinal illness, skin and eye infections, and other adverse health effects due to the presence of pathogenic bacteria, viruses, and parasites. For environmental receptors, untreated sewage can degrade aquatic habitat by increasing biochemical oxygen demand, reducing dissolved oxygen concentrations, introducing toxic pollutants and nutrients, and causing acute or chronic stress to aquatic organisms, including fish and benthic communities.

In this case, a score of **3** is assigned because the chemical and/or physical characteristics of the discharged material pose an above-moderate risk or a direct threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material exceed known risk factors and/or there is substantial concern regarding receptor protection).

**Factor 2: Actual Harm or Potential Harm to Beneficial Uses:**

As a result of this incident raw sewage laden stormwater was discharged to an unnamed tributary of Strong Ranch Slough, which is located within the American River watershed. As stated in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins beneficial uses of the American River between Folsom Dam and the Sacramento River include municipal and domestic supply, irrigation, industrial, power generation, contact and non-contact recreation, warm and cold freshwater habitat, warm and cold migration, warm and cold spawning, and wildlife habitat. The American River is both waters of the state and waters of the United States.

Discharges of domestic and municipal wastewater to surface water must typically be treated to a high standard to prevent adverse impacts to human and aquatic life. The spill contained raw sewage, which contains pathogens, nitrogen, ammonia, total suspended solids and biochemical oxygen demand. In addition, this stretch of the American River has recently been impacted by elevated concentrations of pathogens. For the past several years, the Central Valley Water Board conducted frequent monitoring in the American River and has found elevated E. coli concentrations in the lower stretches of the American River. These elevated concentrations in the American River pose a health risk to recreational users of the American River. This analysis is not attributing these concentrations to this spill; however, it recognizes that there is a higher potential to harm beneficial uses in the American River since it is already impacted by E.coli, which is prevalent in raw sewage.

In addition, the Lower American River, from Nimbus Dam to the confluence with the Sacramento River, is on the California 2016 Section 303(d) List of Impaired Water

Bodies for fecal indicator bacteria. However, due to the size of the storm event harm to beneficial uses was only measurable in the short term and not appreciable. Therefore, this incident is considered to have had a below moderate potential harm to beneficial uses, which is defined as “harm or potential harm to beneficial uses is measurable in the short term but not appreciable” and a **score of 2** has been assigned for this factor.

### **Factor 3: Susceptibility to Cleanup or Abatement:**

As described above, the entire 49,520 sewage spill discharged to surface water with 0 gallons of the spill recovered prior to entering the unnamed tributary of Strong Ranch Slough. Because less than 50% of the spill was cleaned up or susceptible to cleanup a **score of 1** is assigned for this factor.

### **Final Score – Potential for Harm**

The three factor scores are summed to provide a final Potential for Harm score for the violation. For this violation, the **Potential for Harm score is 6**.

### **Step 2 – Assessments for Discharge Violations**

#### **Per Gallon Assessments for Discharge Violations**

The “Deviation from Requirements” analysis is the same as in Violation 1 and is incorporated herein. A score of “**Major**” is applied.

According to Table 1 of the 2017 Enforcement Policy, a major deviation from requirement combined with Potential for Harm of 6 results in a **per-gallon factor of 0.28** for this violation.

This discharge is not considered to be high volume. Therefore, the per gallon assessment is determined by multiplying the 49,520 gallons that reached surface waters minus 1,000 gallons, as follows:

#### **Per-Gallon Assessment**

$$0.28 \times 48,520 \text{ gallons} \times \$10 \text{ per gallon} = \$135,856.00$$

#### **Per Day Assessments for Discharge Violations**

The Central Valley Water Board is using its enforcement discretion not to include the Per Day Assessment.

**Initial Liability Amount:** The value is determined by adding together the per gallon assessment and the per day assessment. For this case, the total initial liability is **\$135,856**.

### **Step 3 – Per Day Assessments for Non-Discharge Violations**

This step is not applicable.

### **Step 4 – Adjustment Factors**

#### **Degree of Culpability**

Higher liabilities should result from intentional or negligent violations as opposed to accidental violations. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier for negligent behavior.

According to information reported in the CIWQS database by SASD, the spill was caused by surcharging of a sewer line during a large storm event which produced approximately 2.5 inches of rain on 31 December 2022. The storm exceeded both the design and performance criteria established by Discharger, indicating an extraordinary

weather event beyond standard planning parameters. On 31 December 2022, approximately 154,141 residents were without power due to over 500 separate outages. The outages were caused by powerful winds and flooding. Sacramento County declared a state of emergency that evening. Discharger acted reasonably in the context of the spill and therefore, a **multiplier of 1** is assigned for Degree of Culpability.

**History of Violations**

The “History of Violations” analysis is the same as in Violation 1 and is incorporated herein. A score of “1.1” is applied.

**Cleanup and Cooperation**

Response to this spill was delayed by approximately one day due to telecommunication disruptions in the Sacramento Region though since the spill was caused by a surcharging system and not a blockage, it is unlikely that a quicker response would have reduced the volume or duration of the spill. SASD responded quickly to this spill once the notification was received and, in a manner, expected for a collection system operator. Therefore, a **multiplier of 1.0** is assigned for this factor.

**Step 5 – Determination of Total Base Liability Amount**

**Total Base Liability Amount**

Initial Liability Amount x Culpability Multiplier x History of Violations Multiplier x  
 Cleanup and Cooperation Multiplier = Total Base Liability Amount

$$\$135,856 \times 1.1 \times 1.0 \times 1.0 = \$149,441.60$$

**Violation 3: Spills that Discharged to surface water within the American River Watershed (CIWQS Event IDs listed in Table A-3 on Attachment A)**

Between 1 October 2021 and 31 March 2025, SASD reported 48 Category 1 SSOs that discharged to surface water within the American River watershed. This section details the methodology used to calculate penalties for these SSOs.<sup>3</sup> Several of the SSOs entered the municipal separate storm sewer system (MS4) and were fully recovered. The volume of SSOs ranged from 14 gallons to 5,329 gallons, with the discharged but not recovered volumes ranging between 0 and 3,894 gallons. In total, 41,338 gallons of sewage spilled from the collection system, a total of 21,373 gallons were recovered (52%), and a total of 19,965 gallons was spilled but not recovered. A listing of the Category 1 spills that occurred within the American River watershed, including spills that were fully recovered, are listed in Attachment A.

Category 1 SSOs that occurred between 1 October 2021, and 4 June 2023 are violations of Discharge Prohibition C.1 of the 2006 Sanitary Sewer Systems Order. SSOs that occurred on or after 5 June 2023 are violations of Discharge Prohibition 4.2 of the 2022 Sanitary Sewer Systems Order.

**Factor 1: The Degree of Toxicity of the Discharge:**

The “Degree of Toxicity” analysis is the same as in Violation 2 and is incorporated herein. A score of “3” is applied.

**Factor 2: Actual Harm or Potential Harm to Beneficial Uses:**

This section focuses on discharges to surface water within the American River watershed. As stated in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, beneficial uses of the American River between Folsom Dam and

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<sup>3</sup> Spill ID 885266 was also within the American River watershed; however, the penalty for that spill is assessed separately in Violation 2 of this document because of the nature of the spill and higher volume of discharge.

the Sacramento River include municipal and domestic supply, irrigation, industrial, power generation, contact and non-contact recreation, warm and cold freshwater habitat, warm and cold migration, warm and cold spawning, and wildlife habitat. The American River is both waters of the State and waters of the United States.

Discharges of domestic and municipal wastewater to surface water must typically be treated to a high standard to prevent adverse impacts to human and aquatic life. The spills consisted of raw sewage, which contains pathogens, nitrogen, ammonia, total suspended solids and biochemical oxygen demand. All the spills assessed in this section were less than 6,000 gallons with an average volume reaching surface water and not recovered of 416 gallons, which are relatively small. The river flows are very large compared to these small spills and provide opportunities for dilution which reduces the potential for harm to beneficial uses. However, this stretch of the American River has recently been impacted by elevated concentrations of pathogens.

For the past several years, the Central Valley Water Board has been conducting frequent monitoring in the American River and has found elevated E. coli concentrations in the lower stretches of the American River. These elevated concentrations in the American River pose a health risk to recreational users of the American River. This analysis is not attributing these elevated concentrations to the spills listed in Attachment A; however, it recognizes that there is a higher potential to harm beneficial uses in the American River since it is already impacted by E.coli, which is also prevalent in raw sewage.

In addition, the Lower American River, from Nimbus Dam to the confluence with the Sacramento River, is on the California 2016 Section 303(d) List of Impaired Water Bodies for fecal indicator bacteria. Therefore, this incident is considered to have had a below moderate potential harm to beneficial uses, which is defined as "harm or potential harm to beneficial uses is measurable in the short term but not appreciable" and a **score of 2** has been assigned for this factor.

### **Factor 3: Susceptibility to Cleanup or Abatement:**

As described above, 41,338 gallons of sewage were spilled from the sanitary sewer collection system in 48 separate spills. A total of 21,373 gallons was recovered, resulting in a total volume of 19,965 gallons of sewage discharged to surface water within the American River Watershed. More than 50 percent of the spilled material was recovered and 24 out of the 48 spills were recovered, thus a **score of 0** is assigned for this factor.

### **Final Score – Potential for Harm**

The three factor scores are summed to provide a final Potential for Harm score for the violation. For this violation, the **Potential for Harm score is 5**.

### **Step 2 – Assessments for Discharge Violations**

#### **Per Gallon Assessments for Discharge Violations**

The "Deviation from Requirements" analysis discussed in Violation 1 is applicable here. A score of "**Major**" is applied.

According to both the 2017 and 2024 Enforcement Policies, a major deviation from requirement combined with Potential for Harm of 5 results in a **per-gallon factor of 0.15** for this violation.

The 2017 and 2024 Enforcement Policy allow for a reduction in the maximum penalty amount of \$10 per gallon for high volume discharges between 100,000 gallons and 2,000,000 gallons for each discharge event. Since none of the individual spills that make up this violation were over 100,000 gallons, the Prosecution Team is using the \$10/gallon maximum liability for this spill.

The sum of the volume of each spill less than 1,000 gallons is 7,909 gallons. Therefore, the Per-Gallon Assessment is:

### Per-Gallon Assessment

$$0.15 \times 7,909 \text{ gallons} \times \$10 \text{ per gallon} = \$11,863.50$$

## 2. Per Day Assessments for Discharge Violations

When there is a discharge, the Central Valley Water Board determines an initial liability amount on a per day basis using the same Potential for Harm and the Deviation from Requirement that was used in the per-gallon analysis. However, the Central Valley Water Board is using its enforcement discretion not to include the Per Day Assessment.

**3. Initial Liability Amount:** The value is determined by adding together the per gallon assessment and the per day assessment. For this case, the total initial liability is **\$11,864**.

### Step 3 – Per Day Assessments for Non-Discharge Violations

This step is not applicable.

### Step 4 – Adjustment Factors

#### Degree of Culpability

The Prosecution Team assessed culpability for the 48 Category 1 SSO by considering the Discharger's spill rate with state averages, which can illustrate the Discharger's adherence to performance standards and prevailing industry practices. The Discharger has an extensive sewer system management plan (SSMP) that contains a structural assessment program, management assessment program, and a SSO assessment program. The CIWQS Collection System Operation Report shows the Discharger's Category 1 spill rate to be significantly less than State and Regional Municipal averages. According to spill reports filed by the Discharger into CIWQS, the Discharger had a spill rate of 0.6 spills per 100 miles of sewer system per year (spills/100mi/yr) to surface water between 1 October 2021 and 31 March 2025, which is below the statewide average of 1.9 spills/100mi/yr. In addition, the spill volume of 49.5 gallons per 1,000 capita per year (gallons/1,000 capita/yr) is well below the statewide average of 5,396 gallons/1,000 capita/yr.<sup>4</sup>

Based on the Discharger's SSMP implementation, it is appropriate to assign a neutral **multiplier of 1.0** to the Culpability factor for Violation 3 because the Prosecution Team determined the Discharger acted reasonably and prudently.

#### History of Violations

The "History of Violations" analysis is the same as in Violation 1 and is incorporated herein. A score of "1.1" is applied.

#### Cleanup and Cooperation

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Adjustment should result in a multiplier between 0.75 to 1.5, using a lower multiplier where there is exceptional

<sup>4</sup> Facility spill statistics can be accessed in the CIWQS Interactive SSO Report available at: [https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso\\_main](https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_main).

cleanup and cooperation compared to what is reasonably expected, and a higher multiplier where there is not. SASD submits timely and complete spill reports and responded to these spills in a manner expected for a collection system operator. Therefore, a **multiplier of 1.0** is assigned for this factor.

### Step 5 – Determination of Total Base Liability Amount

#### Total Base Liability

Initial Liability Amount x Culpability Multiplier x History of Violations Multiplier x  
Cleanup and Cooperation Multiplier = Total Base Liability Amount

$$\$11,863.50 \times 1.0 \times 1.1 \times 1.0 = \$13,049.85$$

### Violation 4: Spills that Discharged to surface water outside of the American River Watershed (CIWQS Event IDs listed in Table A-4 in Attachment A)

Between 1 October 2021, and 31 March 2025, SASD reported 134 Category 1 SSOs that discharged to surface water outside of the American River watershed. This section details the methodology used to calculate penalties for these SSOs. Spill ID 877235 was also outside of the American River watershed. The penalty for that spill is assessed separately in Violation 1 of this document. Several of the SSOs entered the MS4 and were fully recovered. The volume of SSOs ranged from 11 gallons to 37,476 gallons, with the discharged but not recovered volumes ranging between 0 and 37,334 gallons. In total, 260,070 gallons of sewage spilled from the collection system, with a total of 71,933 gallons were recovered (28%), and a total of 188,137 gallons spilled but not recovered. A listing of the Category 1 spills that occurred outside of the American River watershed, including the spills that were fully recovered are listed in Attachment A.

#### Factor 1: The Degree of Toxicity of the Discharge:

The “Degree of Toxicity” analysis is the same as in Violation 2 and is incorporated herein. A score of “**3**” is applied.

#### Factor 2: Actual Harm or Potential Harm to Beneficial Uses:

This section focuses on discharges to surface water outside of the American River watershed within the area of SASD’s collection system. The main surface water with listed beneficial uses in this area is the Sacramento River. Beneficial uses of the Sacramento River include municipal and domestic supply, irrigation, industrial, power generation, contact and non-contact recreation, warm and cold freshwater habitat, warm and cold migration, warm and cold spawning, and wildlife habitat. The American River is both waters of the State and waters of the United States.

Discharges of domestic and municipal wastewater to surface water must typically be treated to a high standard to prevent adverse impacts to human and aquatic life. The spills consisted of raw sewage, which contains pathogens, nitrogen, ammonia, total suspended solids and biochemical oxygen demand. Most of the spills were less than 10,000 gallons, which when considered individually, are relatively small. The river flows are very large compared to these small spills and provide opportunities for dilution which reduces the potential for harm to beneficial uses.

Therefore, this incident is considered to have had a minor potential harm to beneficial uses, which is defined as “there is a potential short-term impact to beneficial uses with no appreciable harm” and a **score of 1** is assigned for this factor.

#### Factor 3: Susceptibility to Cleanup or Abatement:

As described above, 260,070 gallons of sewage were spilled from the sanitary sewer collection system in 134 separate spills. Only 44 of the 134 spills (33%) were cleaned up more than 50%. A total of 71,933 gallons was recovered, resulting in a total volume



of 188,137 gallons of sewage discharged to surface water outside of the American River Watershed. Because less than 50% of the spilled material was cleaned up or susceptible to cleanup, a **score of 1** is assigned for this factor.

### Final Score – Potential for Harm

The three factor scores are summed to provide a final Potential for Harm score for the violation. For this violation, the **Potential for Harm score is 5**.

### Step 2 – Assessments for Discharge Violations

#### 1. Per Gallon Assessments for Discharge Violations

The “Deviation from Requirements” analysis is the same as in Violation 1 and is incorporated herein. A score of “**Major**” is applied.

According to Table 1 of the 2017 Enforcement Policy, a major deviation from requirement combined with Potential for Harm of 5 results in a **per-gallon factor of 0.15** for this violation.

CWC section 13385, subdivision (c)(2), states that the administrative civil liability amount is \$10 per gallon multiplied by the number of gallons discharged but not cleaned up, over 1,000 gallons for each spill event. The 2017 and 2024 Enforcement Policy allows for a reduction in the maximum penalty amount of \$10 per gallon for high volume discharges between 100,000 gallons and 2,000,000 gallons for each discharge event. Board staff subtracted 1,000 gallons from the volume of each SSO that was discharged to surface water and not recovered. The sum of these volumes was calculated to be 139,397 gallons. In this instance, the Prosecution Team determined that an assessment of \$2.00 per gallon is appropriate and will not result in an inappropriately small administrative civil liability for this violation.

As described above, the sum of the volume of each spill less than 1,000 gallons is 139,397 gallons. Therefore, the Per-Gallon Assessment is:

#### Per-Gallon Assessment

$$0.15 \times 139,397 \text{ gallons} \times \$2 \text{ per gallon} = \$41,819.10$$

#### 2. Per Day Assessments for Discharge Violations

When there is a discharge, the Central Valley Water Board determines an initial liability amount on a per day basis using the same Potential for Harm and the Deviation from Requirement that was used in the per-gallon analysis. However, the Central Valley Water Board is using its enforcement discretion not to include the Per Day Assessment.

**3. Initial Liability Amount:** The value is determined by adding together the per gallon assessment and the per day assessment. For this case, the total initial liability is \$41,819.10.

### Step 3 – Per Day Assessments for Non-Discharge Violations

This step is not applicable.

### Step 4 – Adjustment Factors

#### Degree of Culpability

The “Degree of Culpability” analysis discussed in Violation 3 is applicable here. A score of “**1**” is applied.

### History of Violations

As discussed in prior violations, the Central Valley Water Board issued an Administrative Civil Liability Order against SASD for SSO violations in 2021; therefore, a **multiplier of 1.1** is assigned for this factor.

### Cleanup and Cooperation

The “Cleanup and Cooperation” analysis is the same as in Violation 3 and is incorporated herein. A score of “1” is applied.

### Step 5 – Determination of Total Base Liability Amount

Initial Liability Amount x Culpability Multiplier x History of Violations Multiplier x  
Cleanup and Cooperation Multiplier = Total Base Liability Amount

$$\$41,819.10 \times 1.0 \times 1.1 \times 1.0 = \$46,001.01$$

### **COMBINED TOTAL BASE LIABILITY AND FACTORS APPLIED TO ALL COMBINED VIOLATIONS**

The total base liability is the sum of the calculated liabilities for Violations 1 through 4 is **\$242,750**. (\$34,257.63+\$149,441.60+\$13,049.85+\$46,001.01=**\$242,750.09**)

### Step 6 – Economic Benefit<sup>5</sup>

The 2017 and 2024 Enforcement Policy provides that the economic benefit of noncompliance should be calculated using the United States Environmental Protection Agency’s (US EPA) Economic Benefit Model (BEN) penalty and financial modeling program unless it is demonstrated that an alternative method of calculating the economic benefit is more appropriate. For this case, economic benefit was calculated using BEN Model Version 2024.0.0 (April 2024). Using standard economic principles such as the time-value of money and tax deductibility of compliance costs, the BEN Model calculates a discharger’s economic benefit derived from delaying or avoiding compliance with environmental statutes.

The Discharger operates a comprehensive and proactive sewer maintenance program and is one of the few agencies that owns and maintains lower laterals. This responsibility significantly expands the scope and complexity of Discharger’s operations and maintenance of assets within a 281-square-mile service area that encompasses two major rivers. The Discharger contends their maintenance history shows a consistent and responsible approach and Discharger continues to adjust the preventative maintenance (PM) schedule frequency based on data-supported determination of reduced risk.

The alleged violations that were considered in the analysis are 184 Category 1 spills from October 14, 2021, to March 26, 2025, in violation of Statewide General Waste Discharge Requirements Water Quality Order No. 2006-0003-DWQ and 2022-0103-DWQ. The corrective actions implemented by SASD in response to 94 of the 184 spills were adjustments to the PM schedule. The corrective action implemented by SASD for 72 of the 184 spills were repairs, replacement, rehabilitation, or reconfiguration of segments, projects not related to capacity. The corrective action for 11 of the 184 spills were related to capacity projects. It was determined that 7 of the 184 spills had no associated economic benefit. The total economic benefit of non-compliance was determined to be \$207,027.

<sup>5</sup> The 2017 and 2024 Enforcement Policy differ in the order of steps 6-8, but that does not change the analysis or total calculation.

### **Step 7 – Other Factors as Justice May Require**

If the Central Valley Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for “other factors as justice may require” but only if express findings are made to justify this. The Prosecution Team determined that an adjustment is not warranted.

### **Step 8 – Ability to Pay and Ability to Continue in Business**

The ability to pay and to continue in business factor must be considered when assessing administrative civil liabilities. The 2017 and 2024 Enforcement Policy states that if the Central Valley Water Board has sufficient financial information to assess the Discharger’s ability to pay the Total Base Liability or to assess the effect of the Total Base Liability on the Discharger’s ability to continue in business, then the Total Base Liability may be adjusted downward.

In this case, the Discharger has an ability to pay and continue in business. The Discharger is an ongoing entity with the ability to raise revenue to satisfy the liability proposed through the imposition of fees and taxes. In addition, according to the final 2024-2025 budget, the operating fund budget for the collection system is \$112 million, with undesignated cash reserves of \$17,238,147. Based on this information, Board staff has no reason to believe that the Discharger cannot pay the proposed penalty.

### **Step 9 – Maximum and Minimum Liability Amounts**

The maximum and minimum penalty amounts must be determined for comparison to the proposed liability amount.

#### **Maximum Liability Amount:**

Based on CWC section 13385, the maximum liability is \$10,000 per day of violation per spill and \$10 per gallon of waste discharged over 1,000 gallons per violation.

The volumes of each spill, minus 1,000 gallons were summed. In total, 299,637 gallons are subject to the maximum liability in CWC section 13385 which results in a maximum per-gallon liability of \$2,996,370. The total days of spill subject to the maximum liability in CWC section 13385 is 541, which results in a maximum per-day liability of \$5,410,000. The total maximum liability for these violations under CWC section 13385 is **\$8,406,370**. The final liability amount is below the statutory maximum liability.

#### **Minimum Liability Amount:**

CWC section 13385 requires recovery of the economic benefit. The 2017 and 2024 Enforcement Policy states the minimum liability for a discretionary penalty shall be equal to the economic benefit of noncompliance plus 10%. Using an economic benefit of \$207,027, the statutory minimum penalty is \$227,729.70. The final liability amount is greater than the statutory minimum liability.

### **Step 10 – Final Liability Amount**

The Final Liability Amount is the total base liability amount, with any allowed adjustments, provided the amount is within the statutory minimum and maximum amounts. The proposed administrative civil liability is **\$242,750**.