



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

27 January 2010

Debbie Hummel, President  
Board of Directors  
The Oaks Community Association  
5607 Jackson Valley Road  
Ione, CA 95640

**CERTIFIED MAIL**  
**7008 1140 0002 8805 2703**

## **ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0507, THE OAKS COMMUNITY ASSOCIATION, AMADOR COUNTY**

Enclosed is Administrative Civil Liability Order (Order) R5-2010-0507, which assesses **eighteen thousand, five hundred and fifty dollars (\$18,550)** in civil liabilities for violations of The Oaks Community Association Waste Discharge Requirements (WDRs) Order 92-080. The violations are for discharging raw sewage to an area outside the permitted treatment and disposal area. Of the \$18,550 assessed, the Order allows The Oaks Community Association to complete certain compliance projects to satisfy \$5,000 of the liability. The enclosed payment schedule letter allows The Oaks Community Association to pay the remaining \$13,550 in five quarterly payments.

In order to conserve paper and to reduce mailing costs, paper copies of Order R5-2010-0507 and the Payment Schedule have been sent to the Discharger only. The full text versions of the documents are available on the Central Valley Water Board's website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/index.shtml](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/index.shtml).

Anyone may request a paper copy of the documents by calling the Central Valley Water Board staff listed below.

If you have questions or comments regarding the Order, please contact me at (916) 464-4835.

*Original signed by*

WENDY WYELS  
Supervisor, Compliance and Enforcement Section

Enclosures: Administrative Civil Liability Order  
Payment Schedule

cc: see next page

***California Environmental Protection Agency***



cc w/encl: John Schutz, Law Office of Jonathan R. Schutz, Sacramento

cc w/o encl: Joe Spano, California Department of Public Health, Stockton  
Bruce McKarley, California Department of Housing and Community  
Development, Sacramento  
Ken Landau, Central Valley Regional Water Board, Sacramento  
Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Emel Wadhvani, Office of Chief Counsel, SWRCB, Sacramento  
Michael Israel, Amador County Environmental Health Department, Jackson  
Traysee Fuqua, M&C Association Management Services, Inc., Stockton  
JJ Jeffries, Double J Enterprises, Paradise  
Dave Edmonson, Ione

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0507

IN THE MATTER OF

THE OAKS COMMUNITY ASSOCIATION  
WASTEWATER TREATMENT PLANT  
AMADOR COUNTY

This Order is issued to The Oaks Community Association (hereafter Discharger) pursuant to California Water Code (CWC) sections 13350 and 13268, which authorize the imposition of administrative civil liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order 92-080.

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

1. The Discharger owns and contracts for the operation of a wastewater collection, treatment, and disposal system, and provides sewerage service to The Oaks Community, south of Lone in Amador County.
2. On 24 April 1992, the Central Valley Water Board issued WDRs Order 92-080 to The Oaks Community Association. The WDRs address the collection, treatment and disposal of domestic wastewater from approximately 200 homes in The Oaks Community and the Buena Vista store in Amador County. The WDRs contain, among other items, prohibitions, effluent limitations, and monitoring and reporting requirements with which the Discharger must comply.
3. Administrative civil liability may be imposed for violations of WDRs Order 92-080 pursuant to CWC section 13350(a) which states, in relevant part,
  - (a) Any person who ... in violation of any waste discharge requirement ... or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state... shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).
4. CWC section 13350(e) states, in relevant part,
  - e) The state board or a regional board may impose civil liability administratively ... either on a daily basis or on a per gallon basis, but not both.
    - (1) The civil liability on a daily basis may not exceed five thousand dollars (\$5,000) for each day the violation occurs.
    - (2) The civil liability on a per gallon basis may not exceed ten dollars (\$10) for each gallon of waste discharged.

5. CWC section 13267(b)(1) states, in relevant part:

... the regional board may require that any person who ... discharges ... or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.

6. CWC section 13268(a)(1) states, in part:

Any person failing or refusing to furnish technical...reports as required by subdivision (b) of Section 13267,...is guilty of misdemeanor and may be liable civilly in accordance with subdivision (b).

7. CWC section 13268(b)(1) states, in part:

Civil liability may be administratively imposed by a regional board... for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

8. CWC section 13327 states,

In determining the amount of civil liability, the regional board ... shall take into consideration 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 in 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 as justice may require.

9. Beginning on 29 December 2008, Central Valley Water Board staff received several verbal and written reports regarding a spill from a lift station at the WWTF. These reports are summarized in the following Findings.

10. On 29 December 2008, the Discharger's staff contacted Central Valley Water Board staff by telephone to report a spill from the lift station that transfers sewage from the collection system to the WWTF. According to this report, the spill resulted from a pump failure at the lift station. The spill was discovered on 24 December 2008, continued for a few days, and was estimated by Amador County Environmental Health staff to be about 100,000 to 125,000 gallons. According to the Discharger's staff, the spill was contained on 26 December 2008. A septage hauler pumped standing wastewater from the spill on the afternoon of 29 December 2008. The Discharger's staff also stated that County Environmental Health staff had recommended that Water Board staff be notified.

11. A verbal report was also provided on 29 December 2008 by Amador County Environmental Health staff and was followed by a written report dated 31 December 2008. The reports were based on an inspection of the spill site on 29 December 2008 and verbal communications with members of the Discharger's Board of Directors, including the individual who initially identified the spill and subsequently reported it to Environmental Health. According to these reports, at some point on 24

December 2008, both pumps in the lift station had failed<sup>1</sup>. The Discharger's staff procured and put into use a portable pump, which required re-fueling every 3 to 5 hours, to ensure that sewage was properly transferred to the treatment ponds. Based on verbal reports provided to Environmental Health staff, Discharger staff were authorized to leave the workplace because it was Christmas Eve<sup>2</sup>. The discharge of raw sewage reportedly continued until some time on 27 December 2008, when one or both lift station pumps were made operational. A spill volume of 100,000 to 125,000 gallons was estimated based on the reported spill duration and average daily flows of 26,000 to 29,000 gallons per day<sup>3</sup>. The report stated that the discharge appeared to have been confined to a broad drainage swale overgrown with cattails and that the area of standing water potentially affected by the spill appeared to be 10 – 20 yards in width by about 300 yards in length. Environmental Health staff observed no readily apparent evidence of recent flow to Jackson Creek and noted that some of the liquid observed in the drainage swale was likely the remains of recent rains.

12. A written report from the Discharger, prepared by the property management company that operates the WWTF, was received on 27 January 2009. That report stated that a pump in the lift station had failed on the afternoon of 24 December 2008. After repair of an electric switch to the pump, maintenance staff determined that the non-functioning pump was also 'jammed', put a portable pump into service, and left the area. Maintenance staff checked the pump on 25 and 26 December 2008 to refuel it as necessary. On 26 December 2008, maintenance staff determined that raw sewage had overflowed the lift station area. Maintenance staff then remained nearby for the rest of the day to ensure that the portable pump functioned properly and diverted any further overflow into the treatment ponds. On 27 December 2008, maintenance staff repaired one of the non-functioning lift station pumps. On 29 December 2008, a member of the Discharger's Board of Directors contacted Amador County Environmental Health and requested a site visit. On 29 December 2008, the Discharger contacted a septage hauler, who pumped 6,800 gallons from the spill area.
13. On 17 February 2009, Central Valley Water Board staff met with Environmental Health and Discharger staff and inspected the site of the December 2008 spill. During the inspection, Discharger and maintenance staff stated that the individual who had contacted Environmental Health regarding the spill had called out maintenance staff to address the problem of the non-functioning pumps in the lift station on 24 December 2008. The lift station is reportedly connected to an audible (*i.e.*, siren) and visual (*i.e.*, flashing light) alarm system; however, the alarm system did not function properly during the spill. Maintenance staff stated that a portable pump was then put into service. Sewage reportedly spilled from the lift station on 26 and 27 December 2008. Discharger staff

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<sup>1</sup> The Discharger alleges that only one pump failed.

<sup>2</sup> The Discharger disagrees with these reports and alleges that its staff refueled the portable pump as necessary to keep it operating continuously.

<sup>3</sup> This initial estimate was provided orally by the party reporting the spill, and was also reported in the letter from the Amador County Environmental Health. The Discharger did not submit a spill report or any other information containing a differing spill volume. However, the Discharger has recently stated that the spill estimate may be excessive.

stated that the alarm system had been repaired and that two new pumps had been purchased and installed in the lift station.

14. On 18 February 2009, Central Valley Water Board staff contacted the individual who both initially identified the spill on 24 December 2008 and contacted Amador County Environmental Health regarding the Discharger's response to the spill on 29 December 2008. This individual stated that there was a power outage on 24 December 2008 and that he went out to check the lift station because the WWTF has no backup power supply. He found that one of the pumps in the lift station to be non-functional and the other pump to be plugged with solids and debris from the incoming sewage. He called out one of the operations staff to get a temporary pump in place. The temporary pump required periodic re-fueling; however, the pump was not refueled over Christmas. He checked on the spill site again after Christmas, and contacted Environmental Health on the morning of Monday, 29 December 2008.
15. On 3 March 2009, Central Valley Water Board staff spoke with one of the Discharger's water treatment plant operators. The operator called to report an estimate of the volume of spilled sewage based on potable water produced on 24 and 25 December 2008—about 90,000 gallons. The operator stated that he learned of the lift station failure on 24 December 2008, helped to place a sump pump in the lift station, and advised maintenance staff to call the Central Valley Water Board. He also reported that the second pump in the lift station had been non-functional for at least three months as of late December 2008. The operator reported that a new pump was installed in the lift station on 27 December 2008 and that no spilling occurred on that date.
16. While various accounts have been provided regarding the details of the spill, including duration, dates, times, and quantities, it is apparent that raw sewage was overflowing from the lift station for no less than two, and likely three, days between 24 and 29 December 2008, contrary to WDRs Order 92-080, Prohibition A.2, which states the following: "*Bypass or overflow of untreated or partially treated waste is prohibited.*" . Based on the information provided, the Central Valley Water Board staff estimates the volume of raw sewage discharged to have been no less than 90,000 gallons and up to 125,000 gallons<sup>4</sup>.
17. Pursuant to CWC section 13350, up to \$10 may be assessed per gallon of waste discharged contrary to waste discharge requirements. Therefore, the maximum penalty for these violations under CWC section 13350 ranges between **nine hundred thousand dollars (\$900,000)** (if the spill volume was 90,000 gallons) **and one million two hundred fifty thousand dollars (\$1,250,000)** (if the spill volume was 125,000 gallons).
18. Standard Provisions, at General Reporting Requirement B.1, require, in pertinent part, the following:

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<sup>4</sup> As stated above, the Discharger believes this estimate is excessive, but has not provided any documentation as to a different volume.

In the event the discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the discharger shall notify the [Central Valley Water] Board by telephone...as soon as it or its agents have knowledge of such noncompliance or potential for noncompliance, and shall confirm this notification in writing within two weeks. The written notification shall state the nature, time and cause of noncompliance, and shall include a timetable for corrective actions.

The Discharger failed to notify the Central Valley Water Board of the failure of the lift station and the discharge of raw sewage to land until 29 December 2008—three to five days after notification was required. The written report was not received from the Discharger until 27 January 2009—18 to 20 days after written notification was required. The written report did not include the time(s) of noncompliance, nor did it include a timetable for corrective actions.

19. Standard Provisions, at General Reporting Requirement B.4, states the following:

Technical and monitoring reports specified in this Order are requested pursuant to Section 13267 of the Water Code. Failing to furnish the reports by the specified deadlines and falsifying information in the reports, are misdemeanors that may result in assessment of civil liabilities against the discharger.

20. The Discharger failed to report the spill pursuant to the California Water Code section 13267 requirement contained in Standard Provision B.4. The verbal report was due at the latest by 26 December 2008 and was not provided until 29 December 2008, which was at least three days late. The written report was due at the latest by 9 January 2009 and was not received until 27 January 2009, which was at least 18 days late. The written report was incomplete, as it did not contain the required timetable for corrective actions.
21. As of 9 March 2009, the Discharger is subject to penalties of \$1,000 per day for 59 days for late or incomplete submittal of reports required pursuant to CWC section 13267. Therefore, a maximum liability of **fifty-nine thousand dollars (\$59,000)** may be assessed pursuant to CWC section 13268.
22. Added together, the total maximum penalties that could be assessed under CWC sections 13350 and 13268, assuming that the spill was 90,000 gallons, is **nine hundred fifty-nine thousand dollars (\$959,000)**. Added together, the total maximum penalties that could be assessed under CWC sections 13350 and 13268, assuming that the spill was 125,000 gallons, is **one million three hundred nine thousand dollars (\$1,309,000)**.
23. On 16 March 2009, Executive Officer Pamela Creedon issued Administrative Civil Liability Complaint R5-2009-0521 to the Discharger. The Complaint proposed twenty-four thousand, seven hundred and fifty dollars (\$24,750) in civil liability pursuant to CWC sections 13350 and 13268. The amount of the liability was established based on a review of the factors cited in CWC section 13327. The factors used to establish the amount of liability are discussed below.

- a. *Enforcement Considerations:* Pursuant to CWC sections 13350 and 13268, the maximum administrative civil liability that may be imposed for the WDR violations discussed above is between \$959,000 and \$1,309,000.
- b. *Nature and Extent:* The Oaks Community Association (Discharger) violated Waste Discharge Requirements Order No. 92-080 by discharging an estimated 90,000 to 125,000 gallons of raw sewage to an area outside the permitted treatment and disposal area from 24 December 2008 through 29 December 2008. The spill occurred after one or both lift station pumps failed, possibly after a power outage. A portable pump was put in place sometime on 24 December 2008, but the remaining pump, portable pump and/or operations oversight and maintenance were inadequate to prevent or contain the sewage. Raw sewage entered a broad drainage swale and an area exhibiting characteristics of a wetland. No direct evidence of a discharge to Jackson Creek was observed. The spill was reported to Amador County Environmental Health on 29 December 2008. Following the report to Environmental Health, the Discharger reported the spill to Regional Water Board staff and had 6,800 gallons of standing wastewater in the spill area removed by a septage hauler on 29 December 2008.  
  
The Discharger violated Discharge Prohibition A.2, Provision C.6, and Standard Provisions A.7 and A.9, by discharging via overflow untreated sewage between 24 and 29 December 2008, by failing to keep a copy of the WDRs at the facility for reference by key operating personnel, by failing to maintain in good working order control systems installed to achieve compliance with the WDRs, and failing to employ safeguards to prevent loss of control over wastes. The Discharger also violated Standard Provision B.1 by failing to report the spill as required.
- c. *Circumstances:* The circumstances are such that the December 2008 overflow of raw sewage could have been avoided had the Discharger properly maintained the lift station pumps to prevent failure and employed safeguards to prevent loss of control over wastes. Had the Discharger maintained a copy of the WDRs, including Standard Provisions and Reporting Requirements, on-site and ensured that operating personnel were familiar with the contents, as required by the WDRs, the failures to provide complete and timely reports might have been prevented.
- d. *Toxicity:* There was no obvious evidence that the sewage entered Jackson Creek and there were no reported fish kills subsequent to the spills. The discharge did enter a broad drainage swale overgrown with cattails. The swale exhibits characteristics of a wetland, but is not known to be a jurisdictional wetland.
- e. *Gravity:* The Discharger failed to prevent the discharge of raw sewage to land outside the authorized disposal area. Potential health risks from bacteria and viruses resulting from incompletely treated sewage area concern for humans and wildlife habitat. The spilled wastewater was not nitrified, and likely contained ammonia in concentrations lethal to aquatic life. The Board does not have evidence that aquatic life was impacted by the spill.
- f. *Susceptibility of the Discharge to Cleanup:* The Discharger hired a septage hauler to remove 6,800 gallons of commingled sewage and stormwater from the spill area. The spill was cleaned up within three days. The remainder of the spilled sewage likely

percolated into the underlying soil, although a small portion may have been carried off-site with stormwater runoff.

- g. *Degree of Culpability*: The Discharger is required to be familiar with the requirements of WDRs Order No. 92-080, including Standard Provisions and Reporting Requirements, and was aware of the consequences of power failure or loss of pumping capacity. The December 2008 spill could have been avoided had the Discharger properly maintained the lift station pumps to prevent failure and procured and maintained safeguards necessary to prevent loss of control over wastes. Had the Discharger maintained a copy of the WDRs, including Standard Provisions and Reporting Requirements, at the WWTF or main office for reference by operating personnel and ensured that operating personnel were familiar with the contents, as required by the WDRs, the failures to provide complete and timely reports might have been prevented. Therefore, the Discharger is fully culpable for violating the WDRs.
- h. *Notification of Violation*: The Discharger failed to provide prompt notification of the spill.
- i. *Degree of Cooperation*: The Discharger has been marginally cooperative in providing the required reports. Reports have been submitted, but have been incomplete and have been submitted after the due dates. Some of the spilled sewage was recovered, following direction by Amador County Environmental Health.
- j. *Prior History of Violations*: Since adoption of the WDRs in 1992, the Discharger has received eight Notices of Violation (NOVs). Seven of the NOVs were issued between 3 August 2000 and 30 May 2002 for violations of the minimum pond dissolved oxygen limitation, exceedance of effluent biochemical oxygen demand (BOD) and settleable solids limitations, and failure to control weed growth around the wastewater treatment ponds. The eighth NOV was issued on 20 July 2005 for a 100 to 200-gallon raw sewage spill from the collection system. In addition to the violations cited in the NOVs, the Discharger has been in violation of the Standard Provisions requirement for safeguards to prevent loss of control over wastes in the event of failure of any electrically operated equipment since at least June 2001.
- k. *Economic Benefit*: The Discharger realized an economic benefit from (a) deferred, and possibly avoided, costs related to implementing safeguards to prevent the necessary resources to properly maintain the lift station pumps to prevent failure and to procure and maintain safeguards necessary to prevent loss of control over wastes (e.g., alternate power sources, retention capacity, operating procedures, etc.) and (b) avoided costs related to an unknown amount of maintenance staff time required to properly maintain the lift station pumps.
- l. *Ability to Pay*: The Discharger provided detailed information regarding its inability to pay a significant penalty. The Discharger contends that it does not have the ability to raise assessments to cover the imposition of a substantial penalty. The reduced settlement is in the public interest because it allows the Discharger to use its available resources to continue its existence and take measures to ensure future compliance.

24. Following issuance of ACL Complaint, the Discharger and Board's enforcement team conferred for the purpose of settling this matter and the allegations herein without a

25. The ACL Complaint will be resolved as follows:
  - a. The Discharger will pay thirteen thousand, five hundred and fifty dollars (\$13,550) into the *Waste Discharge Permit Fund*,
  - b. The amount of the penalty reflected in the ACL Complaint was reduced by six thousand, two hundred dollars (\$6,200), because the Discharger submitted information showing that they purchased and installed two new pumps in the influent lift station and repair of the lift station alarm,  
  
and
  - c. Five thousand dollars (\$5,000) will be suspended pending the timely completion by the Discharger of the tasks described in Attachment A, which is a part of this Order. The proposed settlement takes into account the factors cited in CWC section 13327 and the State Water Resources Control Board's *Water Quality Enforcement Policy*.
26. On 23 April 2009, the Central Valley Water Board delegated the authority to issue Administrative Civil Liability Orders, where the matter is not contested by the Discharger, to the Executive Officer, or to an Assistant Executive Officer when the Executive Officer is serving as head of the Board's Prosecution Team (Resolution R5-2009-0027). Pamela Creedon is serving as the head of the Board's Prosecution Team for this matter, and therefore Assistant Executive Officer Kenneth Landau has the authority to issue this Order.
27. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board's website, in a newspaper of general circulation in the community, and was provided to all interested parties. The 30-day public notice and comment period has expired.
28. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 *et seq.*), on accordance with California Code of Regulations, title 14, section 15321(a)(2).

**IT IS HEREBY ORDERED:**

1. The Oaks Community Association shall pay an Administrative Civil Liability in the amount of eighteen thousand, five hundred and fifty dollars (\$18,550) of which five thousand dollars (\$5,000) shall be permanently suspended pending successful completion of the work listed in Attachment A. Attachment A, a part of this Order, includes a list of suspended liability tasks that will be completed and deliverables that will be submitted to the Central Valley Water Board.

2. No later than 30 days from the date on which this Order is issued, the Discharger shall pay \$13,550 in administrative civil liability. Payment shall be made by check made payable to the Waste Discharge Permit Fund and remitted to the Central Valley Regional Board located at 11020 Sun Center Drive, Suite 200, Rancho Cordova, California.
3. Payment of the \$13,550 and successful and timely completion of the tasks listed in Attachment A shall resolve the violations charged in ACL Complaint R5-2009-0521.
4. The Discharger is ultimately responsible for ensuring that the work described in Attachment A is satisfactorily completed. In addition, the Discharger is responsible for submitting all deliverables and quarterly progress reports by the due dates listed in Attachment A. The quarterly progress reports shall also be submitted to the State Water Resources Control Board, Division of Finance.
5. Beginning with the first quarter 2010, quarterly progress reports will be submitted by the **tenth day of the month following the end of each quarter** (i.e., the First Quarter 2010 progress report will be submitted by 10 April 2010, and will cover the period from 1 January through 31 March). Each progress report will describe the work completed during the quarter. If no work has been performed in that quarter, the quarterly report shall simply reflect that fact.
6. If any of the tasks described in Attachment A are not completed as described by the respective due dates, the Discharger must remit the suspended amount of that task(s) to the *Waste Discharge Permit Fund* **within 30 days of the due date**. The check shall contain a reference to "ACL Order R5-2010-0507" and be made payable to the "*Waste Discharge Permit Fund*."
7. The Assistant Executive Officer may extend the deadlines contained in this Order, including Attachment A, if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines and makes the extension request in advance of the expiration of the deadline. The Discharger shall make any deadline extension request in writing. Any request for an extension not responded to in writing by the Central Valley Water Board shall be deemed denied. The Discharger must obtain explicit approval from the Assistant Executive Officer for any significant departures from the project described in Attachment A. Failure to obtain written approval for any significant departures will result in the assessment of the actual cost difference between the portion of the project completed in conformity with the tasks described in Attachment A and the total amount of the suspended penalty.
8. If the Assistant Executive Officer determines that any of the tasks listed above are not satisfactorily completed by their respective due date (including any extensions approved by the Assistant Executive Officer), the Assistant Executive Officer may demand payment of the suspended liability that reflects the portion of the work that has not been satisfactorily completed. Payment shall be made via check made payable to the *Waste*

*Discharge Permit Fund*, and shall be due **within 30 days** of the demand. The check shall have written upon it the number of this ACL Order.

9. Should the Discharger fail to take any of the above actions, the Assistant Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
10. This Order is final upon signature.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

Original signed by

\_\_\_\_\_  
KENNETH D. LANDAU, Assistant Executive Officer

\_\_\_\_\_  
27 January 2010

DATE

Attachment A: Suspended Liability Tasks

MRH: 25 Aug 09  
WSW: 22 Dec 09

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0507**

**Suspended Liability Task Descriptions**

Geographic Area of Interest: Jackson Creek

Name of Responsible Entity: The Oaks Community Association

Contact Information:

Debbie Hummel, President  
Board of Directors  
The Oaks Community Association  
5607 Jackson Valley Road  
Ione, CA 95640  
(209) 274-6056

Traysee Fuqua  
M&C Association Mgmt Services, Inc.  
1341 West Robinhood Drive  
Suite B-7  
Stockton, CA 95207  
(209) 644-4915

**Task 1: Tailwater Control Structures**

Amount Permanently Suspended upon Successful Task Completion: \$2,000

Brief Description of the Task:

The Oaks Community Association (Discharger) will construct tailwater containment berms around the perimeter of the wastewater treatment facility (WWTF) sprayfield.

Project Schedule and Deliverables:

The Discharger will be responsible for providing all deliverables described below.

1. Workplan. The Discharger will submit a *Tailwater Control Workplan* for the construction of tailwater control berms for the WWTF sprayfield to the Regional Water Board for review. The *Workplan* shall include a description of the work to be performed, the materials and equipment to be used, a schedule of work to be completed, and the name of the party conducting the work.

**Due date: 1 March 2010**

2. Report of Completion. The Discharger shall submit a *Tailwater Control Report* describing the tailwater control berms which have been constructed. Any deviations from the workplan shall be clearly explained.

**Due date: 1 October 2010**

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0507**

**Task 2: Education of Property Managers and Homeowners Associations**

Amount Permanently Suspended upon Successful Task Completion: \$1,000

**Brief Description of the Task:**

The Discharger will prepare an educational item on the following:

- a. importance of ensuring the proper operation and maintenance of sewage collection, treatment, storage, and disposal facilities;
- b. why it is important to maintain a copy of the current waste discharge requirements (WDRs), monitoring and reporting program (MRP), standard provisions and reporting requirements (Standard Provisions) in a location known and readily accessible to personnel involved in the operations and maintenance of the sewage treatment facility;
- c. the importance of ensuring that key operating personnel and persons responsible for budgeting and reporting for the sewage treatment facility are familiar with the requirements of the WDRs, including the MRP and Standard Provisions;
- d. the need to develop, update, and provide training on an operations and maintenance plan;
- e. the need to develop, update, and provide training on a spill response and reporting plan;
- f. the need to assure that staff assigned to the operations and maintenance of the wastewater treatment facility have the appropriate qualifications to operate the facility;
- g. the importance of communicating with assigned Regional Water Board staff regarding potential problems at the sewage treatment facility; and
- h. the necessity of promptly reporting violations of the WDRs to the Regional Water Board.

The Discharger will then distribute the educational item to all the associations managed by the Discharger's management company who have wastewater treatment plants, via an electronic message, or through other, similar means.

**Project Schedule and Deliverables:**

The Discharger will be responsible for providing all deliverables described below.

1. **Submit Draft.** The Discharger will submit a draft of the text to be distributed to Regional Water Board staff for review and approval. The draft shall be accompanied by a description of the proposed method of distribution and the intended recipients. If necessary, the draft shall be revised based on comments by Regional Water Board staff.

**Due date: 11 March 2010**

**Final Report:** The Discharger will submit a copy of the distributed educational item in the form in which it was transmitted, a list of the recipients of the informational item, will certify the transmittal date, and confirm receipt by the intended recipients.

**Due date: 11 May 2010**

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0507**

**Task 3: Wastewater Operator Education**

Amount Permanently Suspended upon Successful Task Completion: \$1,000

Brief Description of the Task:

The Discharger will ensure that at least one member of the maintenance staff whose duties include operation of the WWTF receives training on WWTF operations.

Project Schedule and Deliverables:

The Discharger will be responsible for providing all deliverables described below.

1. Education Proposal. The Discharger will submit a *Wastewater Education Proposal* to Regional Water Board staff for review and approval. The *Proposal* will include the name of the staff member to be trained/educated, the proposed dates of commencement and completion of the training/educational course, and the selected means of education. Acceptable means of education include the following:
  - Successful completion of a 1.5 semester unit (or greater) course directly related to wastewater treatment and which is part of the curriculum of an accredited college or university (e.g., Sacramento City College's Mechanical-Electrical Technology 346: Wastewater Treatment Plant Operation and Maintenance I; Folsom Lake College's Environmental Technology 356: Wastewater Operations and Maintenance I, etc.)
  - Successful completion of either the Small Wastewater System Operation and Maintenance, Volume I, or the Operation of Wastewater Treatment Plants, Volume I, courses offered by California State University, Sacramento's Office of Water Programs.
  - Certification by the California Water Environment Association as a Grade I Plant Maintenance Technologist or as a Grade I Environmental Compliance Inspector.
  - Another course, certificate, or other means proposed by the Discharger to demonstrate that WWTF operations personnel are trained in WWTF operations and compliance.

**Due date: 11 March 2010**

2. Final Report: The Discharger will submit documentation of a staff person's successful completion of the approved means of education or certification, such as a copy of the certificate, course transcript, etc., and shall certify that the staff person is currently employed by the Discharger or the Discharger's property management company.

**Due date: 30 January 2011**

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0507**

**Task 4: Operations and Maintenance Manual and Spill Response Plan**

Amount Permanently Suspended upon Successful Task Completion: \$1,000

Brief Description of the Task:

The Discharger will prepare and submit an *Operations and Maintenance Manual (O&M Manual)* and *Spill Response Plan* to the Regional Water Board. The *O&M Manual* shall describe all operations and maintenance activities necessary to ensure that the WWTF is maintained in good working order and in compliance with the WDRs, including the MRP and Standard Provisions.

The *O&M Manual* shall include an equipment list; an equipment maintenance and inspection schedule; procedures for scheduling and completing non-routine maintenance; procedures for documenting completed maintenance and repairs; a description of staffing requirements, training, and qualifications; a schedule for initial and refresher training of maintenance and operations personnel on the contents of *O&M Manual*.

The *O&M Manual* shall include a description of the vulnerability analysis that includes the response to emergencies (such as power outages, severe weather, or flooding), an equipment and telephone list for emergency personnel and equipment vendors, coordination procedures with fire, police, and health department personnel, and an emergency operating plan.

The *O&M Manual* shall include a *Spill Response Plan* outlining the appropriate steps to be taken in the event of a spill and an emergency contact list.

The *O&M Manual* must include appendices with a process piping and instrumentation diagram; and manufacturers' equipment manuals and cut sheets; a copy of the WDRs; a copy of forms used to document maintenance, inspections, and repairs.

Project Schedule and Deliverables:

The Discharger will be responsible for providing all deliverables described below.

1. *Submittal of O&M Manual:* The Discharger will submit an *Operations and Maintenance Manual* to Regional Water Board staff for review and comment.

**Due date: 1 March 2010**

2. *Revised O&M Manual:* If requested by Regional Water Board staff, the Discharger will submit a *Revised Operations and Maintenance Manual* that addresses any written comments received from Regional Water Board staff.

**Due date: 90 days after request from Regional Board, if necessary**



**Linda S. Adams**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

**Karl E. Longley, ScD, P.E., Chair**

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11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>



**Arnold  
Schwarzenegger**  
Governor

27 January 2010

Debbie Hummel, President  
Board of Directors  
The Oaks Community Association  
5607 Jackson Valley Road  
Ione, CA 95640

## ***PAYMENT SCHEDULE FOR ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0507, THE OAKS COMMUNITY ASSOCIATION, AMADOR COUNTY***

Pursuant to Administrative Civil Liability Order R5-2010-0507 ("Order"), The Oaks Community Association (Discharger) is ordered to pay \$18,550 to the State Water Resources Control Board Cleanup and Abatement Account. Payment will resolve the violations alleged in Administrative Civil Liability Complaint R5-2009-0521. However, the Central Valley Water Board will permanently suspend collection of \$5,000 of the civil liability imposed by the Order if you comply with Attachment A of the Order. The Order also requires payment of \$13,550 within 30 days. However, the Central Valley Water Board will defer collection of the \$13,550 imposed by the Order if you comply with the payment schedule specified below:

The Discharger agrees to pay \$13,550 to the State Water Resources Control Board Cleanup and Abatement Account in five payments of \$2,710 over a twelve month period beginning in January 2010. Payments shall be made by check made payable to the State Water Pollution Waste Discharge Permit Fund and remitted to the Central Valley Regional Water Board located at 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670. The first payment is due on **30 January 2010**. Subsequent payments are due on **30 April 2010, 30 July 2010, 30 October 2010, and 30 January 2011**.

This letter memorializes and accepts the above payment schedule on the following conditions. If The Oaks Community Association fails to make payments in accordance with the specified deadlines without obtaining explicit approval from the Assistant Executive Officer, the Assistant Executive Officer shall demand that the remaining unpaid balance of the \$13,550 be

paid within 30 days of notification of such failure. Alternatively, the Assistant Executive Officer may refer this matter to the California Attorney General to obtain compliance with the terms of this Order.

If you have questions or comments regarding the Order, please contact Wendy Wyels at (916) 464-4835.

*Original signed by*

KENNETH D. LANDAU  
Assistant Executive Officer

cc: Joe Spano, California Department of Public Health, Stockton  
Bruce McKarley, California Department of Housing and Community Development,  
Sacramento  
Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Emel Wadhvani, Office of Chief Counsel, SWRCB, Sacramento  
Michael Israel, Amador County Environmental Health Department, Jackson  
John Schutz, Law Office of Jonathan R. Schutz, Sacramento  
Traysee Fuqua, M&C Association Management Services, Inc., Stockton  
JJ Jeffries, Double J Enterprises, Paradise  
Dave Edmonson, Ione

mlb: 27 Jan 2010