

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ACL COMPLAINT NO. R5-2006-0510

ADMINISTRATIVE CIVIL LIABILITY  
IN THE MATTER OF

PLACER COUNTY SERVICE AREA NO. 28, ZONE NO. 24  
APPLEGATE WASTEWATER TREATMENT FACILITY  
PLACER COUNTY

This Administrative Civil Liability Complaint (hereafter Complaint) is issued to the Placer County Service Area No. 28, Zone No. 24 (hereafter known as "Discharger") based on failure to comply with Waste Discharge Requirements (WDRs) Order No. 5-01-165, and Cleanup and Abatement Order No. 5-01-708. This Complaint is issued pursuant to CWC Section 13350 and 13385, which authorizes the imposition of administrative civil liability.

The Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Board) finds, with respect to the Discharger's acts, or failure to act, the following:

1. WDRs Order No. 5-01-165, adopted by the Regional Board on 14 June 2001, prescribes requirements for Placer County Service Area No. 28, Zone No. 24, Applegate Wastewater Treatment Facility (WWTF). The facility is owned and operated by the Discharger.
2. The Applegate WWTF is approximately eight miles northeast of Auburn in Section 8 of T13N, R9W, MDB&M. The facility is on the south side of Highway 80 about one mile from the Applegate exit. Assessor's Parcel Number for the real property is APN 073-120-013.
3. The WWTF, which was constructed in 1974, is comprised of a domestic wastewater collection system and three evaporation and percolation ponds. The system is designed to serve a population of 100. The facility's mean daily maximum design flow capacity is 10,000 gallons per day (gpd), although the Discharger estimates that 11,000 gpd is discharged into the system.
4. The WWTF collects, treats, and disposes of domestic wastewater from approximately 26 parcels with 34 equivalent dwelling units (EDUs). The EDUs are comprised of 24 single-family homes, one motel with 10 units, three commercial connections, a church, a firehouse, and the community center.
5. The collection system consists of 8,000 lineal feet of six-inch sewer pipe and one sewage lift station. Wastewater is transported from the Applegate community southwest to a siphon that goes under the Union Pacific Railroad tracks and discharges into the bottom of the first stabilization pond.
6. Wastewater treatment and disposal are accomplished using three evaporation and percolation ponds that operate in series (two 1-acre and one 0.9-acre ponds). The depth of each of the ponds is approximately six feet. A chlorination system disinfects wastewater as it is pumped from Pond

- No. 2 to Pond No. 3. Disinfection is conducted in anticipation of annual surface water discharges from Pond No. 3 (a violation of the WDRs) due a lack of wet weather capacity.
7. The disinfection system consists of a 5,000-gallon chlorine contact chamber, pipes, and pumping equipment. The system is used to chlorinate/dechlorinate at a rate of approximately 30 gallons per minute (gpm). Liquid hypochlorite is used to disinfect and calcium thiosulfate is used to dechlorinate during the transfer of wastewater from Pond No. 2 to Pond No. 3.
  8. The pond treatment and disposal system design capacity is inadequate for the current hydraulic loading. To further compound the hydraulic capacity issue, there is groundwater inflow to Pond 3. This pond's upslope levee was constructed in fractured bedrock and has a natural artesian spring emanating from fracture apertures. The spring's flow into Pond 3 is clearly rainfall related and ceases during summer months. The groundwater inflow during normal winter seasons is enough to fill and overtop Pond 3 even if no wastewater has been discharged into the pond.
  9. The Discharger has had a long history of sewage spills to surface waters (tributary to Clipper Creek and the North Fork of the American River) at this facility, which resulted in violations of WDRs Order No. 73-10. From the winter of 1995/1996 through the winter of 2000/2001, the Discharger spilled an unknown volume of chlorinated/dechlorinated wastewater from Pond No. 3 to the tributary to Clipper Creek. During this period, the Discharger spilled a total of 236 days. The Discharger indicates that the discharge volume is directly proportional to the amount of rainfall received.
  10. On 8 May 2001, the Executive Officer issued Cleanup and Abatement (C&A) Order No. 5-01-708 for wastewater discharges to surface water. The C&A Order required the Discharger to implement, among others, the following measures: (a) immediately operate the Applegate WWTF in compliance with the WDRs, (b) immediately disinfect wastewater discharged into Pond 3 to a total coliform concentration not to exceed 23 MPN/ 100 mL monthly median and monthly maximum of 240 MPN/ 100mL, (c) propose and implement short-term actions to prevent the discharge of wastewater to surface waters, (d) propose and implement long-term improvements, and (e) comply with the Monitoring and Reporting Program.

#### **VIOLATIONS OF C&A ORDER NO. 5-01-708**

11. Item No. 2 of C&A Order No. 5-01-708 states: *“The Discharger shall **immediately** disinfect wastewater discharged into Pond No. 3. Disinfection shall occur prior to the discharge to Pond 3 and Total Coliform shall not exceed 23 MPN/100 ml monthly median and monthly maximum of 240 MPN/100 mL.”*
12. Staff's review of monthly self monitoring reports since issuance of the C&A Order shows that the monthly average Total Coliform levels in Pond No. 3 exceeded 23 MPN/100 mL during January, March, April, and June of 2004, and January, August, and September 2005. Samples were not collected from Pond No. 3 in July through December 2004, and from October and November 2005

because of the lack of wastewater in the pond. The maximum total coliform concentrations in samples from Pond No. 3 exceeded 240 MPN/100 mL.

13. Item No. 6 of C&A Order No. 5-01-708 states: *“By 31 October 2001, the Discharger shall implement all long-term wastewater collection, treatment, and disposal system improvements needed to prevent the discharge or threaten discharge to surface waters and fully comply with WDRs Order No. 73-10.”*
14. Staff’s review of the case file shows that the Discharger has not made the necessary improvements to the wastewater disposal system to prevent discharges to surface waters and fully comply with the WDRs and the C&A. The Discharger acknowledges that the ponds lack storage capacity during the winter months and prior to 2001, direct discharges of wastewater to a tributary to Clipper Creek were a common occurrence. In response to the C&A, the Discharger submitted a June 2001 *Feasibility Analysis of Sewage Disposal Alternatives Report* which stated that construction of a community leachfield system was determined to be the most feasible alternative for a long term solution. However, instead of constructing the community leachfield, the Discharger has been diverting a portion of the flows away from ponds during the winter months and into temporary storage tanks prior to hauling the waste to another wastewater treatment plant.
15. In letters dated 20 June 2003 and 8 June 2004, the Discharger states that in order to avoid a winter discharge of wastewater to surface waters, excess wastewater has been trucked to Placer County’s North Auburn Plant for disposal at a cost of approximately \$75,000 per year. In addition, the Discharger states that the Applegate WWTF is included in the regional wastewater project, which consists of connecting the facility to Sewer Maintenance District No. 1 at an estimated cost of approximately one million dollars.

#### **SPILL-RELATED VIOLATIONS OF THE WDRS**

16. Discharge Prohibition No. A.1 of WDRs Order No. 5-01-165 states: *“As defined in Clean Water Act (33 U.S.C 1251 et seq.) and implementing regulations, the direct, point source discharge of pollutants or wastes to surface waters or surface water drainage courses is prohibited.”*
17. Discharge Prohibition No. A.3 of WDRs Order No. 5-01-165 states: WDRs states: *“Bypass around, or overflow from, the treatment plant of untreated or partially treated waste is prohibited.”*
18. Discharge Specification No. B.5 of WDRs Order No. 5-01-165 states: *“The wastewater shall remain in the designated treatment and disposal areas at all times.”*
19. On 23 April 2002, the Discharger submitted a letter stating that a spill of approximately 300 gallons of raw sewage had occurred on 19 April 2002 from a manhole located near 375 Merry Lane in the Applegate area. The report indicated that a portion of the spill entered a tributary that feeds Clipper Creek. The spill was the result of a blockage in the inverted siphon that underlies the Union Pacific Railroad tracks and feeds into the wastewater ponds.

20. On 18 January 2005, the Discharger submitted a spill report for a discharge that occurred on 31 December 2005. According to the report, approximately 800 to 1,000 gallons of raw sewage discharged from two 21,000 gallon temporary storage tanks to ground during a heavy rain event. The Discharger states that the spill was contained in a vegetated area around the tanks and did not enter surface waters. The spill report also states that due to the significant amount of rainfall between 30 December 2005 and 1 January 2006 and the County's limited personnel and equipment, the spill could not have been prevented.
21. On 14 March 2006, staff issued a notice of violation (NOV) to the Discharger for the 31 December 2005 spill. The NOV required implementation of the corrective actions proposed by the Discharger.
22. Beginning on 7 March 2006, the Discharger reported a spill of disinfected wastewater from wastewater Pond No. 3. The Discharger indicated that because of the lack of capacity in each of the three wastewater ponds and because of concerns about a possible berm failure at Pond No. 2, a controlled discharge from Pond No. 3 to a tributary to Clipper Creek was necessary.
23. On 8 March 2006, staff inspected the facility and observed that the freeboard in Pond Nos. 1 and 3 was 13 inches, and the freeboard in Pond No. 2 was 7.5 inches. In addition, staff observed the continuing discharge of wastewater to a tributary to Clipper Creek. On 4 April 2006, the Discharger was issued an NOV for violating its WDRs by allowing wastewater to discharge to surface waters.
24. Beginning on 8 March 2006, the Discharger began submitting daily progress reports that included the spill monitoring results as required by MRP No. 5-01-165 and daily wastewater volumes spilled to a tributary to Clipper Creek.
25. On 20 March 2006, the Discharger reported that the discharge of wastewater from Pond No. 3 to a tributary to Clipper Creek had ceased and the freeboard in each of the three ponds ranged from 12.5 to 14 inches. The Discharger then submitted a spill report on 24 March 2006, stating that a controlled discharge of 481,210 gallons of disinfected/dechlorinated wastewater to a tributary to Clipper Creek from Pond No. 3 occurred over two separate periods totaling 11 days. One of the spill events was from 7 March through 11 March 2006, and the other event was from 14 March through 19 March 2006.
26. During March and April 2006, the Discharger notified Regional Board staff of four other controlled wastewater discharge events from Pond No. 3 to a tributary to Clipper Creek. A 28 April 2006 letter from the Discharger states that during the period from 25 March to 13 April 2006 that 1,748,025 gallons of wastewater was released to surface waters. The report also states that these discharge events were the result of the lack of available freeboard (less than 12-inches) in each of the three ponds resulting from the heavy rains.

27. A summary of the five spill events (totaling 2,229,235 gallons) that occurred over a period of 26 days in 2006 are as follows:

<u>Spill Event Dates</u>	<u>Spill Event Days</u>	<u>Gallons of Wastewater Discharged to Surface Waters</u>
7 March through 11 March 2006	5	174,100
14 March through 19 March 2006	6	307,110
25 March through 30 March 2006	6	349,500
3 April through 7 April 2006	5	1,020,000
10 April through 13 April 2006	4	378,525

### REGULATORY CONSIDERATIONS

28. As described in the above Findings, the Discharger has violated WDRs Order No. 5-01-165 and C&A Order No. 5-01-708 by discharging wastes and effluent to surface waters or surface water drainage courses and by the bypass of untreated or partially treated effluent. In addition, the Discharger has violated Item No. 2 (the disinfection requirement) of the C&A Order.
29. Section 301 of the Clean Water Act and Section 13376 of the CWC prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.
30. CWC Section 13376 states, in part: *“Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States ... shall file a report of the discharge in compliance with the procedures set forth in Section 13260...”* and *“The discharge of pollutants...except as authorized by waste discharge requirements [NPDES permit]...is prohibited.”*
31. The Discharger, by failing to file a report of waste discharge as set forth in CWC section 13260 and failing to obtain an NPDES permit prior to the discharges described in the above Findings, has violated CWC section 13376. WDRs Order No. 5-01-165 is not an NPDES permit.
32. CWC Section 13350(e) states: *“The state board or a regional board may impose civil liability administratively pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 either on a daily basis or on a per gallon basis, but not both.”*
33. CWC Section 13350(e)(1) states: *“The civil liability on a daily basis may not exceed five thousand dollars (\$5,000) for each day the violation occurs.”*
34. CWC Section 13385 states, in part:  
*“(a) Any person who violates any of the following shall be liable civilly in accordance with subdivisions (b), (c), (d), (e), and (f):*  
  
*(1) Section 13375 or 13376.*

*“(c) Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both the following:*

*(1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.*

*(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) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.”*

35. For discharging waste to surface waters in violation of the WDRs and C&A Order, the Regional Board may assess administrative civil liability based on CWC section 13385. The maximum administrative civil liability which can be imposed by the Regional Board under CWC Section 13385 is \$10,000 per day of discharge plus \$10 per gallon discharged in excess of 1,000 gallons which is spilled to surface waters. As stated in the Findings, 300 gallons of raw sewage spilled from a manhole to surface waters on 19 April 2002, and 2,229,235 gallons discharged into surface waters during the five separate spill events over a period of 26 days in March and April of 2006. Of this, a total of 2,229,235 gallons were discharged in excess of 1,000 gallons per spill event. Therefore, the maximum administrative civil liability is \$270,000 (27 days times \$10,000 per day) plus \$22,242,350 (2,224,235 gallons minus 1,000 gallons per spill event times \$10 per gallon), for a total maximum liability of \$22,512,350.
36. CWC Section 13385(e) states:  
*“In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, 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 its 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. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.”*
37. Pursuant to CWC Section 13385(e), the minimum administrative civil liability is equivalent to the economic benefit accrued by the Discharger for not implementing management and physical improvements necessary to prevent the discharges. The 300 gallon spill was result of a blockage in the inverted siphon that underlies the Union Pacific Railroad tracks and feeds into the wastewater ponds. The 1,000 gallon spill from the temporary storage tanks was due to the Discharger’s inability to haul the wastewater to an off-site facility for disposal in a timely manner. The 2,229,235 gallon spills from the ponds to surface waters was due to a known lack of capacity in the three percolation/evaporation ponds and the Discharger’s inability to construct and implement an alternative WWTF. It is estimated that since the issuance of the C&A Order in

2001, the Discharger has saved at least \$66,000 in not taking actions to prevent the violations described in this Complaint. This savings is based on a cost estimate of approximately \$440,000 for the construction of a community leachfield system as proposed in the Discharge's June 2001 report, and the Discharger paying five percent interest on a construction loan over a three year period (assuming that construction of the community leachfield system began in 2002).

38. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321 (a)(2), Title 14, of the California Code of Regulations.

**THE PLACER COUNTY SERVICE AREA NO. 28, ZONE NO. 24 IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed Administrative Civil Liability in the amount of \$300,000 (three hundred thousand dollars). The amount of the liability proposed is based upon a review of the factors set forth in CWC Section 13385 cited in Finding No. 36 above, and includes consideration of the economic benefit or savings resulting from the violations.
2. A hearing shall be held on **21/22 September 2006** unless the Discharger agrees to waive the hearing and pay the imposed civil liability in full.
3. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. In lieu of a hearing, the Discharger may waive the right to a hearing. If you wish to waive the right to a hearing, sign the enclosed waiver and return it with the full amount of civil liability (in a check made payable to the *State Water Resources Control Board Cleanup and Abatement Account*), to the Regional Board's office at 11020 Sun Center Drive, Suite #200, Rancho Cordova, CA 95670, by **18 August 2006**.

Original Signed by

\_\_\_\_\_  
PAMELA C. CREEDON, Executive Officer

\_\_\_\_\_  
June 23, 2006

(Date)

GJC/MRL/WSW:23-Jun-06

**WAIVER OF HEARING FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent the Placer County Service Area No. 28, Zone No. 24 (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2006-0510 (hereinafter the "Complaint");
2. I am informed of the right provided by Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of the Complaint;
3. I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of issuance of the Complaint; and
4. Without admitting liability for the matters alleged in the Complaint, I otherwise agree to remit payment for the civil liability imposed in the amount of three hundred thousand dollars (\$300,000) by check, which contains a reference to "ACL Complaint No. R5-2006-0510" and is made payable to the "*State Water Resources Control Board Cleanup and Abatement Account.*"
5. I understand the payment of the above amount constitutes a settlement of the Complaint that will not become final until after a public comment period.
6. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

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(Name)

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(Title)

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(Date)



**DRAFT STAFF REPORT**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
FOR**

**PLACER COUNTY SERVICE AREA NO. 28, Zone No. 24  
APPLEGATE WASTEWATER TREATMENT FACILITY  
PLACER COUNTY**

**Introduction**

The Placer County Service Area No. 28, Zone No. 24 (Placer County) hereafter known as (“Discharger”) owns and operates the Applegate Wastewater Treatment Facility (WWTF), which is approximately 8 miles northeast of Auburn on the south side of Highway 80 about one mile from the Applegate Exit in Placer County. The Discharger’s WWTF is regulated by Waste Discharge Requirements (WDRs) Order No. 5-01-165. The Discharger is also regulated under Cleanup and Abatement (C&A) Order No. 5-01-708.

On 23 June 2006, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R5-2006-0510 for the seven wastewater spills totaling 2,230,535 gallons that have occurred since issuance of the WDRs and C&A Order.

**Historical Overview**

The WWTF is comprised of a domestic wastewater collection system and three evaporation and percolation ponds. The system is designed to serve a population of 100. The facility’s mean daily maximum design flow capacity is 10,000 gallons per day (gpd). The WWTF collects, treats, and disposes of domestic wastewater from approximately 26 parcels with 34 equivalent dwelling units (EDUs). The EDUs are comprised of 24 single-family homes, one motel with 10 units, 3 commercial connections, church, firehouse, and community center. The collection system consists of 8,000 lineal feet of six-inch sewer pipe and one sewage lift station. Wastewater is transported from the Applegate community southwest to a siphon that goes under the Union Pacific Railroad tracks and discharges into the bottom of the first stabilization pond. Approximately 90 percent of the service area’s flow is metered by tracking pump run time at the facility’s only lift station. The remaining 10 percent of the service area flow enters the collection system unmeasured. The Discharger estimates the total average dry weather flow to be 11,000-gpd although Discharge Specification No. B.2 of the WDRs states: *“The monthly average dry weather discharge flow shall not exceed 10,000 gpd.”*

The Discharger has had a long history of sewage spills to surface waters (tributary to Clipper Creek) at this facility, which resulted in violations of WDRs Order No. 73-10, the WDRs that previously applied to this facility. From the winter of 1995/96 through the winter of 2000/2001 the Discharger performed controlled discharges of chlorinated/dechlorinated wastewater from Pond No. 3 to the tributary to Clipper Creek. During this period, the Discharger spilled a total of 236 days. A summary of spills that occurred over this six year period is as follows:

- In a 23 December 1996 letter, the Discharger indicated that they were again discharging to surface waters. The Discharger indicated that the spill was the result of a leaking wet well.
- A 31 January 1997 letter from the Discharger indicates that during 1996 a total of approximately 845 hours of discharges of chlorinated effluent to surface waters from Pond No. 3 occurred during the months of February, March, April, and December to prevent the wastewater ponds from overflowing.
- The Discharger indicated during a 12 September 1997 site inspection that discharges to surface waters had occurred over the past two winters.
- During a 23 October 1997 site inspection, the Discharger stated that a chlorine dosage system is used to disinfect wastewater in emergency situations when discharge to surface waters is unavoidable.
- On 5 December 1997, the Discharger was issued an NOV based on information presented in the 31 January 1997 letter regarding unauthorized discharges of wastewater to surface waters and the September and October site inspections.
- During a 27 January 1999 site inspection, staff observed, photographed, and concluded that the Discharger was discharging wastewater from Pond No. 3 to surface waters. These spills were documented in a 1 February 1999 letter.
- During a site inspection on 12 October 2000, the Discharger stated that that since 1996 treated and disinfected wastewater from Pond No. 3 has been discharged as a result of winter storm events to maintain pond levee integrity and keep the levees from being breached.
- In a 14 November 2000 spill report, the Discharger stated that a raw sewage spill at less than one gallon per minute occurred from the lift station. The spill reached a roadside drainage ditch and was absorbed in the ground.
- On 27 February 2001, the Discharger stated in a meeting that the facility would have an unauthorized discharge to surface waters if another rain event occurs.

Because of this long history of wastewater discharges to surface water, the Executive Officer issued C&A Order No. 5-01-708 on 8 May 2001. The C&A Order required the Discharger to implement the following measures: (a) immediately operate the Applegate Wastewater Treatment Facility domestic wastewater collection, treatment, and disposal system in compliance with Waste Discharge Requirements, (b) immediately disinfect wastewater discharged into Pond 3. Disinfection shall occur prior to the discharge to Pond 3 and Total Coliform shall not exceed 23 MPN/100 mL monthly median and monthly maximum of

240 MPN/ 100mL, (c) prepare a technical report to assess the threat of discharge from the wastewater collection, treatment, and disposal system, (d) immediately take steps to mitigate the threat of wastewater discharge from Pond No. 3 and implement recommended short term corrective actions identified in the technical report, (e) implement all long-term wastewater collection, treatment, and disposal system improvements needed to prevent the discharge or threatened discharge to surface waters and fully comply with the Waste Discharge Requirements, (f) submit a Wastewater Collection, Treatment and Disposal System Operations and Maintenance (O&M) Manual, and (g) comply with the Monitoring and Reporting Program.

In a June 2001 report titled *Feasibility Analysis of Sewage Disposal Alternatives*, the Discharger proposed seven alternatives to eliminate the unpermitted discharge of wastewater to surface waters. Those alternatives were as follows: (a) no project, (b) pipe or truck wastewater to another treatment and disposal system, (c) increase the storage capacity of the ponds, (d) upgrade the treatment system to comply with a proposed National Pollution Discharge Elimination System (NPDES) permit, (e) construct a community septic tank and leachfield, and abandon the ponds, (f) revert all parcels in the Applegate Community back to private septic tank leachfield system and abandon the ponds, and (g) abandon the wastewater ponds and connect to the Sewer Maintenance District (SMD) No. 1 system north of Auburn. Of these alternatives, the Discharger indicated that upgrading the current system and obtaining an NPDES permit would be the most cost effective. However, the Discharger indicated that depending on available funding, the construction of a community leachfield would be the best alternative. The cost estimate to construct the septic tank leachfield system was approximately \$440,000.

The Discharger stated that with no improvements to the ponds or the addition of irrigation, the storage capacity in the ponds using 100-year rainfall data shows that the storage capacity will be exceeded by 9.88 acre feet at 2-feet of freeboard and 6.54 acre feet assuming 0.5 feet of freeboard. Spillage from the ponds would begin in January each year. In addition, the Discharger's water balance indicates that during a normal rainfall year that the ponds would overflow in March of each year.

### **Violations of the Waste Discharge Requirements and Cleanup and Abatement Order**

The WDRs and C&A Orders prohibit discharges of waste to surface waters and surface drainage courses. Since 23 April 2002, there has been two documented spills of wastewater to ground and five spills that have entered surface waters, which is a violation of the WDRs and C&A Order.

On 23 April 2002, the Discharger submitted a letter stating that a sewer spill of approximately 300 gallons had occurred on 19 April 2002 from a manhole located near 375 Merry Lane in the Applegate area. The report indicated that a portion of the spill entered a tributary that feeds Clipper Creek. The spill was the result of a blockage in the inverted siphon that underlies the Union Pacific Railroad tracks and feeds into the wastewater ponds.

On 26 March 2003, the Executive Officer issued a California Water Code 13267 Order for the non-submittal of certain reports required by the WDRs. Those reports included (a) the Sludge Management Plan that was due by 3 December 2001, (b), a Groundwater Monitoring Well Installation Workplan that was due by 31 December 2001, (c) a Groundwater Monitoring Well Installation Report that was due by 30 November 2002, and the fourth quarter groundwater monitoring report that was due on 1 February 2003. The Order required the Discharger to submit a technical report by 15 June 2003 that contained a proposed timeline for all steps necessary to install the groundwater monitoring wells, and abandon the Applegate ponds and construct a new treatment and disposal system.

In a 20 June 2003 letter, the Discharger stated that over the last two years, in order to avoid a seasonal discharge of wastewater from Pond No. 3, excess wastewater has been trucked to Placer County's North Auburn Plant for disposal at a cost of approximately \$75,000 per year. In addition, the Discharger states that the Applegate WWTF is included in the regional wastewater project, which consists of connecting the facility to the North Auburn Plant at an estimated cost of approximately one million dollars. The Discharger also states that operating the current WWTF costs approximately \$100,000 per year, of which \$25,000 comes from the communities' user fee of \$51 per month per Equivalent Dwelling Unit (EDU). Finally, the Discharger requested that the Regional Board re-open the WDRs to amend the time schedule in the WDRs in order to proceed with the regionalization plan and abandon the wastewater ponds.

On 3 March 2004, the Acting Assistant Executive Officer sent the Discharger a letter stating that the information included in their 20 June 2003 letter did not contain any of the details required by the 26 March 2003 CWC 13267 Order. The letter also stated that the Discharger has not provided any documentation showing that the regionalization plan or the construction of a new WWTF was moving forward. The Discharger was again reminded to submit the technical report by 1 June 2004 as required by the CWC 13267 Order.

In a 8 June 2004 letter, the Discharger stated that an amended technical report would be completed by 1 August 2004, and would include a plan and schedule for installing the groundwater monitoring wells, and a plan a schedule for closing the Applegate WWTF and connecting to the regional system. The Discharger also stated that sufficient funding had been obtained to complete the necessary environmental review and design of the pipeline to connect Applegate to the Sewer Maintenance District (SMD) No. 1 system before the winter of 2008.

On 22 November 2004, the Discharger submitted a Groundwater Monitoring Well Installation Workplan that described the proposed installation of three wells around the wastewater ponds. On 30 January 2006, the Discharger submitted the Groundwater Monitoring Well Installation Report.

On 18 January 2006, the Discharger submitted a spill report for a spill that occurred on 31 December 2005. According to the report, approximately 800 to 1,000 gallons of raw sewage

discharged from two 21,000-gallon temporary closed top storage tanks located along Applegate Road to ground during a heavy rain event. The spill report states that the spill was contained in a vegetated area around the tanks and did not enter surface waters. The spill report also states that in preparation of a heavy rain event that on the morning of 29 December 2005, the flow of raw sewage was diverted to the two storage tanks used each year during the rainy months to help maintain freeboard levels in the three ponds. The spill report also states that due to the significant amount of rainfall between 30 December 2005 and 1 January 2006 and the limited personnel and equipment dealing with the high flows at the other two Sewer Maintenance District Wastewater Treatment Plants (SMD Nos. 1 and 3) that the spill could not have been prevented. Staff inspected the site on 11 January 2006 and issued an inspection report on 3 February 2006.

On 14 March 2006, staff issued a Notice of Violation (NOV) to the Discharger for the spill. The NOV required implementation of the following corrective actions proposed by the Discharger: (a) The wastewater in the temporary storage tanks will be emptied on a daily basis; (b) if during a significant rain event the level of wastewater becomes critical, the valve on the storage tanks will be opened slightly to return the wastewater back into the ponds. The valve would be closed when there is 50 percent freeboard in the tanks or two septic pumper trucks are at the site; and (c) the Plant Operator will measure pond freeboard on a daily basis during a rain event.

Beginning on 7 March 2006, the Discharger reported a controlled spill of disinfected wastewater from wastewater Pond No. 3. The Discharger indicated that because of the lack of capacity in each of the three wastewater ponds and because of concerns about a possible berm failure at Pond No. 2, a controlled discharge to a tributary to Clipper Creek from Pond No. 3 was necessary. The Discharger estimated that the volume spilled at 481,210 gallons over an 11 day period (7 March 2006 to 19 March 2006). The Discharger indicated that pumper trucks were unable to access the ponds because the only access to the ponds is from a dirt road located along the Union Pacific Railroad. The Discharger indicated that a paved road located approximately 400 feet south of the WWTF is privately owned and the county has no legal access to it. An attempt to gain access was denied several years ago.

On 8 March 2006, staff inspected the facility and observed that the freeboard in Pond Nos. 1 and 3 was 13 inches, and the freeboard in Pond No. 2 was 7.5 inches. In addition, staff observed the discharge of wastewater to a tributary to Clipper Creek. Beginning on 8 March 2006, the Discharger began submitting daily progress reports that included the spill monitoring results as required by MRP No. 5-01-165 and daily wastewater spill volumes. On 20 March 2006, the Discharger reported that the discharge of wastewater from Pond No. 3 had ceased and the freeboard in each of the three ponds ranged from 12.5 to 14 inches. The Discharger then submitted a spill report on 24 March 2006, which stated that due to lack of freeboard in the ponds and concerns about a possible berm failure at Pond No. 2, a controlled discharge of 481,210 gallons of disinfected/dechlorinated wastewater to a tributary to Clipper Creek from Pond No. 3 occurred over an 11 day period. The spill report also stated that the Discharger will continue with their efforts to develop a connection to Sewer Maintenance District (SMD)

No. 1 so that the ponds are no longer needed. On 4 April 2006, the Discharger was issued an NOV for violating Discharge Specification No. B.13 of the WDRs, which states: *"Treatment ponds freeboard shall never be less than one foot (measured vertically to the lowest point of overflow.)"* In addition, the Discharger was in violation of Discharge Specification Nos. A.1 and A.3 and Discharge Specification No. B.5 of the WDRs for the unauthorized discharge of wastewater to surface waters.

During March and April 2006, the Discharger notified Regional Board staff of four other controlled wastewater discharge events from Pond No. 3 to a tributary to Clipper Creek. A 28 April 2006 letter from the Discharger states that during the period from 25 March to 13 April 2006 that 1,748,025 gallons of wastewater was released. The report also states that these discharge events were the result of the lack of available freeboard (less than 12-inches) in each of the three ponds resulting from the heavy rains.

A summary of the five spill events to surface waters totaling 2,229,235 gallons that occurred over a period of 26 days are as follows:

<u>Spill Event Dates</u>	<u>Spill Event Days</u>	<u>Gallons of Wastewater Discharged to Surface Waters</u>
7 March through 11 March 2006	5	174,100
14 March through 19 March 2006	6	307,110
25 March through 30 March 2006	6	349,500
3 April through 7 April 2006	5	1,020,000
10 April through 13 April 2006	4	378,525

### **Administrative Civil Liability Complaint**

The Discharger has violated its WDRs, C&A Order, the California Water Code, and the Clean Water Act by allowing the discharge of wastewater to surface water drainage courses and surface waters, and is subject to civil liability. On 23 June 2006, the Executive Officer issued Administrative Civil Liability Complaint No. R5-2006-0510 for \$300,000 to the Placer County Service Area No. 28, Zone No. 24. The ACL Complaint required that payment be made by 18 August 2006, or a hearing would be scheduled before the Regional Board.

In determining the amount of any civil liability pursuant to CWC Section 13327, the Regional Board must take into account the nature, circumstances, 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 savings, if any, resulting from the violation, and other matters as justice may require.

These factors were considered as follows:

### **Nature and Circumstances**

The nature of the violation is that the Discharger is fully aware of the spills but failed to make the necessary improvements to the wastewater system to prevent the spills. To date, the Discharger has not made the necessary improvements to the system and is in violation of the WDRs and C&A Order. The Discharger acknowledges that the ponds lack storage capacity during the winter months and direct discharges of wastewater to a tributary to Clipper Creek are a common occurrence. Following the issuance of the C&A Order in 2001, the Discharger has chosen to divert the flows away from ponds during the winter months into temporary storage tanks located along Applegate Road rather than make improvements to the WWTF. However, due to a lack of capacity, diversion of winter flows is not enough to prevent surface water discharges.

### **Extent**

The extent of the violation is that the Discharger reported seven wastewater spills that occurred over a period of four years and resulted in a total discharge of approximately 2,230,535 gallons. These spills include a 19 April 2002 a raw sewage spill of approximately 300 gallons to surface waters that occurred from a manhole and was the result of a blockage within the collection system, a 31 December 2006 raw sewage spill estimated at 1,000 gallons to ground occurred from two temporary 21,000 gallon tanks, and five separate wastewater spills to surface waters that occurred during March and April 2006. The most recent spills totaled approximately 2,229,235 gallons and occurred during five separate events totaling 26 days.

### **Gravity**

The Discharger failed to prevent the discharge of waste to ground and to a surface water tributary to the North Fork of the American River. The North Fork of the American River has a high level of beneficial uses including domestic water supply and recreation. Potential health risks from bacteria and viruses resulting from secondary disinfected treated wastewater are a concern for humans and wildlife habitat.

### **Ability to Pay/Continue in Business**

Staff is not aware of any reason why the Discharger is unable to pay the liability and continue in business.

### **Voluntary Cleanup Efforts Undertaken**

Staff was notified for each of the spills that occurred on 23 April 2002, 31 December 2005, and in March and April 2006. The Discharger indicated that the 31 December 2005 spill soaked into ground and no cleanup efforts were necessary. Because the April 2002 and the March and April 2006 spills entered surface waters, no cleanup efforts were made.

### **Degree of Culpability**

Since 1996, the Discharger has been aware that the WWTP has lacked sufficient storage and disposal capacity. In 2001, the Board adopted updated WDRs, and a C&A Order was issued by the Executive Officer. In a June 2001 feasibility analysis report, as required by the C&A

Order, the Discharger indicated that construction of a community leachfield would be the best sewage disposal alternative. The community leachfield has never been constructed and the Discharger recently stated in a 2004 letter that sufficient funding had been obtained to connect Applegate to SMD No. 1 system before the winter of 2008. The only change made to the wastewater system since the issuance of the C&A Order has been the introduction of the two 21,000 gallon closed top temporary storage tanks located on Applegate Road beginning in December 2001. The Discharger indicates that during the winter months, these tanks are connected to the collection system via a piping/valving system along Applegate Road and are used to handle the majority of the flows. During this period, all of the flows except for one connection are discharged to the storage tanks. Based on this, the Discharger is fully culpable for the discharges described in this ACL Complaint.

### **Economic Savings**

The Discharger received an economic benefit by knowing that the wastewater ponds lacked storage capacity and not constructing an alternative WWTF. It is estimated that since the issuance of the C&A Order in 2001, the Discharger has saved at least \$66,000 in not taking actions to prevent the violations described in this Complaint. This savings is based on a cost estimate of approximately \$440,000 for the construction of the community leachfield system as proposed in the Discharger June 2001 report, titled *Feasibility Analysis of Sewage Disposal Alternatives*, and the Discharger paying five percent interest on a loan over a three year period (assuming that construction of the community leachfield system began in 2002). The County of Placer's 2005 budget indicates an average cash and investment earning of approximately five percent. Therefore, the minimum liability for these spills is at least \$66,000 (see Attachment A of this Staff Report).

### **Other Matters as Justice May Require**

Staff will spend approximately 200 hours, or \$16,000 in staff costs, in generation of the ACL Complaint and follow-up work.

### **Prior History of Violations**

The Discharger has had a long history of sewage spills to surface waters at this facility. From the winter of 1995/96 through the winter of 2000/2001 the Discharger spilled an unknown volume of chlorinated/dechlorinated wastewater from Pond No. 3 over a period of 236 days. Because of this long history of wastewater discharges to surface water, the Executive Officer issued a C&A Order in 2001 in lieu of an Administrative Civil Liability.

### **Determination of Amount**

For discharging waste to surface waters in violation of the WDRs and C&A, and without obtaining an NPDES permit, the Regional Board may assess administrative civil liability based on CWC section 13385. The maximum administrative civil liability, which can be imposed by the Regional Board under CWC Section 13385 is \$10,000 per day of discharge plus \$10 per gallon discharged in excess of 1,000 gallons per spill event to surface waters.

For these spills, approximately 300 gallons was discharged to surface waters on 19 April 2002,



and 2,229,235 gallons discharged into surface waters during five separate spill events over a period of 26 days in March and April of 2006. Of this, a total of 2,229,235 gallons were discharged in excess of 1,000 gallons per spill event. Therefore, the maximum administrative civil liability under Section 13385 is \$270,000 (27 days times \$10,000 per day) plus \$22,242,350 (2,224,235 gallons minus 1,000 gallons per spill event times \$10 per gallon), for a total maximum liability of \$22,512,350. These calculations are shown in Attachment B of this Staff Report.

### **Response by the Discharger**

The Discharger has not yet had an opportunity to comment on the ACLC.

### **Summary**

Since 1996, the Discharger has been aware that the wastewater system lacks storage and disposal capacity. Because of this long history of wastewater discharges to surface water, the Executive Officer issued a C&A Order in May 2001. In lieu of making improvements to the WWTF to prevent spills to surface waters, the Discharger elected to divert wastewater away from the ponds into temporary storage tanks during the winter months. However, this action is not sufficient to prevent spills. If the Discharger would have constructed the community leachfield, which was determined to be the most feasible alternative identified in the June 2001 *Feasibility Analysis of Sewage Disposal Alternatives Report*, the spills would have been prevented.

The 31 December 2005 spill of 1,000 gallons of raw sewage could have been prevented if the Discharger would have performed daily inspections of the levels in the two 21,000 gallon storage tanks and had began hauling wastewater to SMD No. 1 on 29 December 2005. This is the day in which the Discharger began to divert raw sewage to the tanks.

The Executive Officer issued an ACL Complaint to the Placer County Service Area No. 28, Zone No. 24 in the amount of \$300,000, and staff recommend that the Board adopt an ACL Order in this same amount.

Attachment A: Estimated Cost Savings Spreadsheet  
Attachment B: Maximum Liability Spreadsheet

Draft Staff report for the  
21/22 September 2006 Regional Board meeting  
Rancho Cordova, CA

GJC/MRL/WSW: 23-Jun-06

**ATTACHMENT B OF DRAFT STAFF REPORT  
PLACER COUNTY SERVICE AREA NO. 28, ZONE NO. 24  
APPLEGATE WWTF**

<b>Date</b>	<b>Volume (Gallons)</b>	<b>Volume Entering Surface Water (SW)</b>	<b>Spill (Days)</b>	<b>Liability at \$10,000/day</b>	<b>Liability in Gallons &gt;1,000 Gallons Per Spill Event to Surface Waters</b>	<b>Liability (\$) at \$10/Gallon</b>	<b>Description of Spill</b>
23-Apr-02	300	300	1	<b>\$10,000</b>			Spill of raw sewage from collection system manhole
31-Dec-06	1,000	0	1				Spill of raw sewage from temporary storage tanks to ground
7-Mar-06	5,700	5,700	1	\$10,000			Direct discharge from Pond No. 3 to a tributary to Clipper Creek
8-Mar-06	28,800	28,800	1	\$10,000			Direct discharge from Pond No. 3 to a tributary to Clipper Creek
9-Mar-06	45,600	45,600	1	\$10,000			Direct discharge from Pond No. 3 to a tributary to Clipper Creek
10-Mar-06	57,600	57,600	1	\$10,000			Direct discharge from Pond No. 3 to a tributary to Clipper Creek
11-Mar-06	36,400	36,400	1	\$10,000			Direct discharge from Pond No. 3 to a tributary to Clipper Creek
<b>SW Spill Event No. 1</b>		<b>174,100</b>	<b>5</b>	<b>\$50,000</b>	<b>173,100</b>	<b>\$1,731,000</b>	
12-Mar-06							
13-Mar-06							
14-Mar-06	41,250	41,250	1	\$10,000	41,250		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
15-Mar-06	64,080	64,080	1	\$10,000	64,080		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
16-Mar-06	60480	60480	1	\$10,000	60480		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
17-Mar-06	60,480	60,480	1	\$10,000	60,480		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
18-Mar-06	59,220	59,220	1	\$10,000	59,220		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
19-Mar-06	21,600	21,600	1	\$10,000	21,600		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
<b>SW Spill Event No. 2</b>		<b>307,110</b>	<b>6</b>	<b>\$60,000</b>	<b>306,110</b>	<b>\$3,061,100</b>	
20-Mar-06							
21-Mar-06							
22-Mar-06							
23-Mar-06							
24-Mar-06							
25-Mar-06	37,500	37,500	1	\$10,000	36,500		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
26-Mar-06	72,000	72,000	1	\$10,000	71,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
27-Mar-06	72,000	72,000	1	\$10,000	71,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
28-Mar-06	72,000	72,000	1	\$10,000	71,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
29-Mar-06	72,000	72,000	1	\$10,000	71,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
30-Mar-06	24,000	24,000	1	\$10,000	23,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
<b>Spill Event No. 3</b>		<b>349,500</b>	<b>6</b>	<b>\$60,000</b>	<b>348,500</b>	<b>\$3,485,000</b>	
31-Mar-06							
1-Apr-06							
1-Apr-06							
1-Apr-06							

**ATTACHMENT B OF DRAFT STAFF REPORT  
PLACER COUNTY SERVICE AREA NO. 28, ZONE NO. 24  
APPLEGATE WWTF**

<b>Date</b>	<b>Volume (Gallons)</b>	<b>Volume Entering Surface Water (SW)</b>	<b>Spill (Days)</b>	<b>Liability at \$10,000/day</b>	<b>Liability in Gallons &gt;1,000 Gallons Per Spill Event to Surface Waters</b>	<b>Liability (\$) at \$10/Gallon</b>	<b>Description of Spill</b>
2-Apr-06							
3-Apr-06	103,500	103,500	1	\$10,000	102,500		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
4-Apr-06	219,000	219,000	1	\$10,000	218,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
5-Apr-06	432,000	432,000	1	\$10,000	431,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
6-Apr-06	213,000	213,000	1	\$10,000	212,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
7-Apr-06	52,500	52,500	1	\$10,000	51,500		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
<b>SW Spill Event No. 4</b>		<b>1,020,000</b>	<b>5</b>	<b>\$50,000</b>	<b>1,019,000</b>	<b>\$10,190,000</b>	
8-Apr-06							
9-Apr-06							Direct discharge from Pond No. 3 to a tributary to Clipper Creek
10-Apr-06	47,775	47,775	1	\$10,000	46,775		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
11-Apr-06	124,050	124,050	1	\$10,000	123,050		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
12-Apr-06	144,000	144,000	1	\$10,000	143,000		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
13-Apr-06	62,700	62,700	1	\$10,000	61,700		Direct discharge from Pond No. 3 to a tributary to Clipper Creek
<b>SW Spill Event No. 5</b>		<b>378,525</b>	<b>4</b>	<b>\$40,000</b>	<b>377,525</b>	<b>\$3,775,250</b>	
<b>Total</b>	<b>2,230,535</b>	<b>2,229,535</b>	<b>28</b>	<b>\$270,000</b>	<b>2,224,235</b>	<b>\$22,242,350</b>	

Total Liability

\$22,512,350



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



Arnold  
Schwarzenegger  
Governor

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## Sacramento Main Office

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

23 June 2006

### **CERTIFIED MAIL 7005 0390 0005 5502 2896**

Will Dickenson  
Deputy Director  
Placer County Department of Facility Services  
11476 C Avenue, Dewitt Center  
Auburn, CA 95603

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2006-0510, PLACER COUNTY DEPARTMENT OF FACILITY SERVICES AREA NO. 28, ZONE NO. 24, APPLGATE WASTEWATER TREATMENT FACILITY, PLACER COUNTY**

Enclosed is Administrative Civil Liability (ACL) Complaint No. R5-2006-0510 issued to Placer County Department of Facility Services Area No. 28, Zone No. 24 (hereafter referred to as "Discharger") for violations of Section 13376 of the California Water Code (CWC) and is issued pursuant to Sections 13350 and 13385 of the CWC. The Complaint proposes that the Discharger pay \$300,000 in administrative civil liability.

The Discharger may agree to pay the civil liability and waive a Regional Board hearing on the matter. If the Discharger waives a Board hearing, then a duly authorized person shall sign the waiver and remit both the waiver and a \$300,000 check, made payable to the *State Water Resources Control Board Cleanup and Abatement Account*, to this office by **18 August 2006**. The resulting settlement of this ACL Complaint will not become final until after a 30-day public comment period, which began on the date of the Complaint. Additionally, the Executive Officer may decide to schedule the complaint for a hearing consistent with California Water Code Section 13323(b).

If you choose not to pay the civil liability, a hearing on this matter will be scheduled for **21/22 September 2006**, in Rancho Cordova, California, in accordance with Section 13323 of the California Water Code. You will be provided specific notice about this meeting and its procedures at a later date.

If you intend to claim an inability to pay this Administrative Civil Liability Complaint, please be advised that you must submit a statement of financial conditions by **18 August 2006** that substantiates your claim. If you disagree with any findings in the Complaint, you must submit your written comments by **18 August 2006**.

*California Environmental Protection Agency*

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Will Dickenson  
Placer County Department of Public Services  
Area No. 28, Zone No. 24.  
Placer County

- 2 -

23 June 2006

Any other persons who have an interest in this matter should also submit comments to the Regional Board, attention Guy Childs, by **18 August 2006**.

If you have any questions, please contact Mark List at (916) 464-4732 or Guy Childs at (916) 464-4648.

- Original Signed by -

PAMELA C. CREEDON  
Executive Officer

Enclosure: Administrative Civil Liability Complaint No. R5-2006-0510  
Draft Staff Report

cc w/enc: Representative John T. Doolittle, U.S. House of Representatives, Washington DC  
Assemblyman Tim Leslie, State Capitol, Sacramento  
Regional Board Members  
Frances McChesney, Office of Chief Counsel, SWRCB, Sacramento  
Mark Bradley, Enforcement Unit, SWRCB, Sacramento  
Brad Banner, Placer County Environmental Health Department, Auburn