
Central Valley Regional Water Quality Control Board

18 July 2014

Bill Zimmerman
Deputy Director
County of Placer Facility Services Department
11476 C Avenue
Auburn, CA 95603

CERTIFIED MAIL
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**ADMINISTRATIVE CIVIL LIABILITY ORDER FOR MANDATORY MINIMUM PENALTIES,
COUNTY OF PLACER FACILITY SERVICES DEPARTMENT, PLACER COUNTY SEWER
MAINTENANCE DISTRICT NO. 1 WASTEWATER TREATMENT PLANT, PLACER COUNTY**

Enclosed is Administrative Civil Liability Order (Order) R5-2014-0544, issued to the County of Placer Facility Services Department (hereafter Discharger) pursuant to California Water Code (Water Code) section 13385. The Order resolves certain violations of Waste Discharge Requirements (WDRs) Order R5-2010-0092 (NPDES No. CA0079316) at the Placer County Sewer Maintenance District No. 1 wastewater treatment plant. The Order proposes to assess administrative civil liability in the amount of **nine thousand dollars (\$9,000)**. This represents the sum of the statutory Mandatory Minimum Penalties for effluent limitation violations at the Sewer Maintenance District No. 1 wastewater treatment plant from 1 June 2013 through 28 February 2014.

The Order suspends \$4,500 of the penalty amount pending completion of a Supplemental Environmental Project (SEP) pursuant to California Water Code section 13385(l). The SEP chosen by the Discharger is the *Midwestern Placer Regional Sewer Project Pump Station*, which is described in Attachment B to the Order. The remaining \$4,500 must be paid to the State Water Pollution Cleanup and Abatement Account.

On 29 April 2014, the Order was posted on the Boards website for a 30-day public comment period. On 29 May 2014, the Discharger responded and disagreed with the amount that was allowed be applied to the SEP. On 11 July 2014, the Discharger submitted a second response accepting the Order as originally written. No other comments were received.

In order to conserve paper and to reduce mailing costs, paper copies of the Order have been sent to the Discharger only. The full text of the Order is available on the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/

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

If you have any questions or comments regarding the Order, please contact Nichole Morgan at (916) 464-4623 or nmorgan@waterboards.ca.gov.

Original Signed By

WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosure: ACL Order R5-2014-0544

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco
David Boyers, Office of Enforcement, SWRCB, Sacramento
David Coupe, Office of Chief Counsel, SWRCB, Sacramento
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Placer County Environmental Health Division, Auburn
Bill Jennings, California Sportfishing Protection Alliance, Stockton
Jae Kim, Tetra Tech, Fairfax, VA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0544

MANDATORY PENALTY
IN THE MATTER OF

COUNTY OF PLACER FACILITY SERVICES DEPARTMENT
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 1
WASTEWATER TREATMENT PLANT
PLACER COUNTY

This Order is issued to the County of Placer Facility Services Department, Placer County Sewer Maintenance District No. 1, (hereafter Discharger) pursuant to California Water Code (Water Code) section 13385, which authorizes the imposition of Administrative Civil Liability, and Water Code section 13323, which authorizes the Executive Officer to issue this Order. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2010-0092 (NPDES No. CA0079316).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the unincorporated area of North Auburn in Placer County. The wastewater treatment plant provides tertiary treatment when influent flows are 3.5 million gallons per day (mgd) or less and a mixture of secondary and tertiary treatment when flows are greater than 3.5 mgd. Treated municipal wastewater is discharged to Rock Creek, a water of the United States.
2. On 22 September 2010, the Board issued WDRs Order R5-2010-0092 to regulate discharges from the wastewater treatment plant. On 22 September 2010, the Board also issued Cease and Desist Order (CDO) R5-2010-0093. CDO R5-2010-0093 provided a time schedule to comply with the final effluent limitations for aluminum, chlorodibromomethane, chloroform, dichlorobromomethane, nitrate plus nitrite, and nitrite by 31 December 2014. However, CDO R5-2010-0093 did not provide an exemption from mandatory minimum penalties (MMPs) for aluminum, chloroform, nitrate plus nitrite, and nitrite effluent limit violations because the previous CDO (Order R5-2005-0075) already provided a time schedule of five years.
3. On 31 May 2013, the Board adopted Order R5-2013-0051 amending CDO R5-2010-0093. Amended CDO R5-2010-0093-01 includes protection from MMPs for exceedances of final effluent limitations for aluminum, chlorodibromomethane, chloroform, dichlorobromomethane, nitrate plus nitrite, and nitrite.
4. On 4 September 2013, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Order (ACLO) R5-2013-0575 for mandatory minimum penalties for effluent violations from 30 April 2011 through 31 May 2013 in the amount of \$207,000. These violations are specifically identified in Attachment A to ACLO

R5-2013-0575. The Discharger paid \$96,000 of the penalty and entered into an agreement to complete a Supplemental Environmental Project (SEP) in the amount of \$111,000. The Discharger is proceeding with the SEP, which entails construction of the Midwestern Placer Regional Sewer Project Pump Station.

5. On 6 January 2014, Water Board staff issued a Record of Violations to the Discharger for the period 1 June 2013 through 31 October 2013. On 6 February 2014, the Discharger responded, and agreed with the violations. On 31 March 2014 the Discharger submitted a proposed Supplemental Environmental Project (SEP) entitled "*Midwestern Placer Regional Sewer Project Pump Station.*" This Order extends the covered period of violations through 28 February 2014.
6. Water Code sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

Water Code section 13385(h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385 (h)(2) states:

For the purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385(i)(1) states, in part:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

7. WDRs Order R5-2010-0092, Final Effluent Limitations IV.A.a. states, in part:

Table 6. Final Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
<i>Priority Pollutants</i>						
Copper, Total Recoverable	µg/L	7.6	--	19	--	--

8. WDRs Order R5-2010-0092, Final Effluent Limitations IV.A.1.g. states, in part:

Total Coliform Organisms. Effluent total coliform organisms shall not exceed:

- i. 2.2 most probable number (MPN) per 100 mL, as a 7-day median;
- ii. 23 MPN/100 mL, more than once in any 30-day period; and
- iii. 240 MPN/100 mL as an instantaneous maximum.

9. According to the Discharger’s self-monitoring reports, the Discharger committed four (4) non-serious violations of the above effluent limitations contained in WDRs Order R5-2010-0092 during the period of 1 June 2013 through 28 February 2014, as identified in Attachment A. Three of the non-serious violations are subject to mandatory penalties under Water Code section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **nine thousand dollars (\$9,000)**.

10. The total amount of the mandatory penalties assessed for the cited effluent violations for County of Placer Facility Services Department, Sewer Maintenance District No. 1, is **nine thousand dollars (\$9,000)**. As stated herein, a detailed list of the cited effluent violations is included in Attachment A, a part of this Order. This Order addresses administrative civil liability for violations that are specifically identified in Attachment A.

11. This Order constitutes a settlement of the violations herein mentioned. Notice of this settlement was published on the Central Valley Water Board’s website and was provided to all interested parties. The 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) has expired.

12. Water Code section 13385(l) allows a discharger to complete a Supplemental Environmental Project (SEP) in lieu of paying the full amount of a mandatory penalty, and states, in relevant part:

(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars

(\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a "supplemental environmental project" means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board that would not be undertaken in the absence of an enforcement action under this section.

13. The effluent violations alleged in this order will be resolved as follows: the Discharger shall pay \$4,500 to the *State Water Pollution Cleanup and Abatement Account*; the Discharger shall expend the remaining \$4,500 to fund the Supplemental Environmental Project (SEP) described in Attachment B, which is incorporated herein by reference. The proposed settlement complies with the State Water Resources Control Board's *Water Quality Enforcement Policy* and *Policy on Supplemental Environmental Projects*.
14. 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).
15. 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.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

THE COUNTY OF PLACER FACILITY SERVICES DEPARTMENT IS HEREBY GIVEN NOTICE THAT:

1. The County of Placer Facility Services Department (Discharger) shall be assessed mandatory minimum penalties in the amount of **nine thousand dollars (\$9,000)**.
2. The Discharger shall remit payment of **four thousand five hundred dollars (\$4,500)** of the imposed civil liability by check, which shall contain a reference to ACL Order R5-2014-0544. Payment must be received by the State Water Board, Division of Administrative Services, Accounting Branch at 1001 I Street, 18th Floor, Sacramento, California 95814 by **18 August 2014**. The check shall be made payable to the *State Water Pollution Cleanup and Abatement Account*. A copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive, Rancho Cordova, California 95670, attention to Wendy Wyels by the same date.
3. The remaining **four thousand five hundred dollars (\$4,500)** shall be suspended, pursuant to Water Code section 13385(l), pending completion of the Supplemental Environmental Project (SEP) that the Discharger is currently required to complete under

Order R5-2013-0575. This Order increases the total cost of the SEP by \$4,500 (from \$111,000 to \$115,500).

4. The SEP chosen by the Discharger is titled "*Midwestern Placer Regional Sewer Project Pump Station.*" A summary of the SEP Project Description, which includes a list of deliverables that will be submitted to the Central Valley Water Board throughout the project, can be found as Attachment B to this Order, which is incorporated herein by reference. The tasks listed in Attachment B are assigned an estimated monetary value; however, if excess funds are present in one task then they may be used as needed in subsequent tasks.
5. As required by the State Water Board's *Policy on Supplemental Environmental Projects*, the Discharger shall reimburse the Central Valley Water Board for the full cost of staff oversight of the SEP. Staff oversight costs are in addition to the total administrative civil liability imposed against the Discharger and are not credited toward the Discharger's obligation to fund the SEP.
6. In the event that the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the suspended amount of \$4,500 was spent to complete the SEP for which the Discharger is financially responsible, the Discharger must remit the difference between the suspended liability and the amount the Discharger can demonstrate was actually spent on the SEP, as an administrative civil liability, to the *State Water Pollution Cleanup and Abatement Account* within 30 days of project completion.
7. The Executive Officer may extend the deadlines contained in this Order 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 at least 30-days prior to the deadline. Any request for an extension not responded to in writing by the Board shall be deemed denied. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project described in Attachment B. 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 SEP described in Attachment B and the total amount of the suspended penalty.
8. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds publicize any element of the SEP project, it shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action by the Regional Board against the Discharger.
9. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is completed. In addition, the Discharger is responsible for submitting all

technical reports and quarterly progress reports by the due dates listed in Attachment B. The quarterly progress reports and the Final Report shall also be submitted to the State Water Resources Control Board, Division of Financial Assistance.

10. If the 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 Executive Officer), the Executive Officer may demand payment of the suspended liability that reflects the portion of the SEP that has not been satisfactorily completed. Payment shall be made via check made payable to the *State Water Pollution Cleanup and Abatement Account*, and shall be due within 30 days of the demand. The check shall have written upon it the number of this ACL Order.
11. Should the Discharger fail to comply with this Order, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.
12. Upon the completion of the Discharger's obligations under this Order and completion of the SEP to the satisfaction of the Executive Officer, the Regional Board shall provide the Discharger with a statement indicating that the SEP has been completed in satisfaction of the terms of this Order and that any remaining suspended liability is waived. That statement shall terminate any further obligations of the Discharger pursuant to this Order, and result in the permanent stay of the \$4,500 suspended liability.
13. The payment of administrative civil liability in accordance with the terms of this Order or compliance with the terms of this Order is not a substitute for compliance with applicable laws, and continuing violations of the type alleged in this Order may subject the Discharger to further enforcement, including but not limited to additional administrative civil liability.
14. This Order is final upon signature.

TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0544
MANDATORY PENALTY
COUNTY OF PLACER FACILITY SERVICES DEPARTMENT
PLACER COUNTY SEWER MAINTENANCE DISTRICT NO. 1
WASTEWATER TREATMENT PLANT
PLACER COUNTY

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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 Water Code 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, 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 or will be provided upon request.

Original Signed By

PAMELA C. CREEDON, Executive Officer

14 July 2014

DATE

Attachment A: Record of Violations, Sewer Maintenance District No. 1
Attachment B: Supplemental Environmental Project

**ATTACHMENT A
TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0544**

**County of Placer Facility Services Department
Placer County Sewer Maintenance District No. 1
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 June 2013 – 28 February 2014) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program R5-2010-0092)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measured</u>	<u>Period</u>	<u>Remarks</u>	<u>CIWQS</u>
*	31-Mar-13	Chloroform	mg/L	1.1	9.1	Monthly Ave	*	947592
*	31-Mar-13	Nitrate Plus Nitrite (as N)	mg/L	10	22	Monthly Ave	*	947593
*	30-Apr-13	Chloroform	mg/L	1.1	4.9	Monthly Ave	*	948843
*	30-Apr-13	Nitrate Plus Nitrite (as N)	mg/L	10	24	Monthly Ave	*	948845
1	22-Aug-13	Total Coliform	MPN/100 mL	2.2	8	7-Day Median	4	955664
2	23-Aug-13	Total Coliform	MPN/100 mL	2.2	8	7-Day Median	4	955665
3	30-Nov-14	Copper	µg/L	7.6	8.6	Monthly Ave	3	960875
4	9-Feb-14	Total Coliform	MPN/100 mL	240	1600	Inst. Max	4	965768

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violation falls within the first three violations in a six-month period, thus is not subject to mandatory minimum penalties. Penalties that may be assessed for this violation are discretionary. This violation is not addressed or resolved in this complaint.
4. Non-serious violation subject to mandatory minimum penalties.

<u>VIOLATIONS AS OF:</u>	<u>2/28/2014</u>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Violations Not Subject to MMPs:	1
Non-serious Violations Subject to MMPs:	3
<u>Total Violations Subject to MMPs:</u>	<u>3</u>

Mandatory Minimum Penalty = (0 serious Violations + 3 Non-Serious Violations) x \$3,000 = \$9,000

Amount that can go toward a SEP: \$9,000/2=\$4,500

ATTACHMENT B
TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0544

SEP Project Description

Project Title: Midwestern Placer Regional Sewer Project Pump Station

Geographic Area of Interest: Placer County Sewer Maintenance District No. 1 service area, Placer County

Name of Responsible Entity: Placer County, Placer County Department of Facility Services (Discharger)

Estimated Cost of Project Completion: The Discharger will allocate an additional \$4,500 to the existing funding (\$111,000) required by Order R5-2013-0575. The total cost of the pump station construction is estimated at \$8.9 million. The City of Lincoln (City) is the Lead Agency for the project; however the Discharger is responsible for the project funding. Under the Construction and Initial Operations Agreement with the City, the Discharger will reimburse the City for construction costs.

Contact Information:

Kevin Bell, Program Manager
Placer County Environmental Engineering
11476 'C' Avenue
Auburn, CA 95603
(530) 886-4915
kbell@placer.ca.gov

Christina Hanson, Sr. Planner
Placer County Environmental Engineering
11476 'C' Avenue
Auburn, CA 95603
(530) 886-4965
chanson@placer.ca.gov

Project Description:

The purpose of the project is to provide regional wastewater treatment. This will be accomplished by expanding the Wastewater Treatment and Reclamation Facility (WWTRF) in Lincoln, CA and constructing a pump station and pipeline to convey wastewater flows from the SMD-1 service area to the WWTRF for treatment.

Water Body, Beneficial Use and/or Pollutant Addressed by this Project:

The SMD-1 WWTP currently discharges to Rock Creek, which is a tributary to Dry Creek, Coon Creek, and, ultimately, the Sacramento River Basin. The following existing and potential beneficial uses apply: municipal and domestic water supply (MUN), agricultural supply for irrigation (AGR), contact (REC-1) and non-contact (REC-2) water recreation, warm freshwater habitat (WARM), cold freshwater habitat (COLD), warm and cold migration of aquatic organisms (MGR), warm and cold spawning, reproduction, and/or early development (SPWN), navigation (NAV), and wildlife habitat (WILD).

The Lincoln WWTRF is in compliance with current surface water discharge requirements; the SMD-1 WWTP currently exceeds effluent limitations for aluminum, chloroform,

chlorodibromomethane, copper, dichlorobromomethane, nitrate, and nitrate plus nitrate. Upon completion of the project, the discharge from SMD-1 will cease and the effluent will be treated at the Lincoln WWTRF (which will be expanded to accommodate the additional flow).

Project Tasks, Budget, and Deliverables:

1. Pump Station Construction. Complete pump station construction at the existing SMD-1 wastewater treatment plant site.

Estimated Cost: The total pump station construction budget is \$8.9 million. The funding from the 2013 SEP will be applied to the first \$111,000 spent on construction and the funding from the 2014 SEP will be applied to the next \$4,500 spent on pump station construction.

Deliverable: Written notification of the construction and SEP funding expenditure.

Due Date: 31 March 2015

2. Quarterly Progress Reports. Describe work completed during the preceding quarter.

Deliverable: Quarterly Progress Report. Beginning with the Second Quarter 2014, quarterly progress reports shall be submitted by the first day of the second month following the end of each quarter. Each progress report will describe the work completed during the preceding quarter. If no activity occurred during a particular quarter, a quarterly report so stating shall be submitted. The following statement must be included above the signature line of each report: "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

Due Date: First day of second month following the end of each quarter (e.g. by 1 February, 1 May, 1 August, and 1 November).

3. Final Report.

Deliverable: Complete lift station construction and provide Final Report. The final report will include a summary of all completed tasks and a post-project accounting of all expenditures. The accounting must clearly show whether the final cost of the successfully completed SEP is less than, equal to, or more than the suspended liability amount for both ACL Orders. This serves as the last report required under the SEP and the following statement must be included above the signature line of the report: "I certify under penalty of perjury that the foregoing is true and correct."

Due Date: 1 June 2015