



**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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**Arnold  
Schwarzenegger**  
Governor

27 January 2010

Bruce Pope  
City of Isleton  
101 Second Street  
P.O. Box 716  
Isleton, CA 95641

**CERTIFIED MAIL**  
**7008 1140 0002 8805 6107**

## **ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0504, CITY OF ISLETON, SACRAMENTO COUNTY**

Enclosed is Administrative Civil Liability Order R5-2010-0504 which assesses **three hundred and ninety thousand dollars (\$390,000)** in civil liabilities for violations of Waste Discharge Requirements (WDRs) Order No. 90-186. The violations are for raw sewage spills to surface waters of Georgiana Slough, failure to have an operational influent flow meter, and failure to submit a required technical report. Of the \$390,000 assessed, the Order allows the City of Isleton to complete certain compliance projects to satisfy \$375,000 of the liability. The enclosed payment schedule letter allows the City to pay the remaining \$15,000 in eight monthly payments, beginning on 26 February 2010 and ending on 30 September 2010.

In order to conserve paper and reduce mailing costs, paper copies of the Order and 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 this document by calling the Central Valley Water Board staff listed below.

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

*Original signed by*

WENDY S. WYELS  
Supervisor, Compliance and Enforcement Section

Enclosure: ACL Order R5-2010-0504  
Payment Schedule Letter

cc: see next page

cc w/ enc: David Larsen, Law Offices of David L. Larsen, San Ramon

cc w/o enc: Kenneth Landau, Central Valley Water Board, Rancho Cordova  
Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Emel Wadhvani, Office of Chief Counsel, SWRCB, Sacramento  
Dana Booth, Sacramento Co. Env. Management Dept., Sacramento  
Bill Jennings, California Sportfishing Protection Alliance, Stockton  
Dan Hinrichs, DJH Engineering, Placerville

gjc: 27 Jan-10

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0504

IN THE MATTER OF  
CITY OF ISLETON  
WASTEWATER TREATMENT FACILITY  
SACRAMENTO COUNTY

This Administrative Civil Liability Order is issued to the City of Isleton (hereafter Discharger) pursuant to California Water Code (CWC) sections 13350 and 13385, which authorize the imposition of administrative civil liability, and CWC section 7, which authorizes the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Order is based on a settlement of claims presented in an Administrative Civil Liability Complaint, issued by the Executive Officer on 12 November 2009 (ACL Complaint), alleging that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order 90-186.

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

**Background**

1. The Discharger owns and operates the wastewater collection, treatment, and disposal system that serves the City of Isleton. The Discharger receives up to 117,000 gallons per day of domestic and commercial wastewater from the community. The Discharger also has a contractual agreement to accept 60,000 gallons of wastewater per day from the Oxbow Marina Recreational Facility.
2. On 22 June 1990, the Central Valley Water Board issued Waste Discharge Requirements (WDRs) Order 90-186. The WDRs prescribe requirements for the discharge of domestic wastewater from the treatment system owned and operated by the Discharger. The WDRs contain, among other items, prohibitions, effluent limitations, and monitoring and reporting requirements. A revised Monitoring and Reporting Program (MRP) was issued by the Executive Officer on 10 October 2002 to update the outdated version included with the WDRs. The revised MRP includes requirements for continuous influent flow monitoring using a calibrated metering device.
3. The collection system consists of approximately 16,550 lineal feet of gravity sewer lines. The majority of the collection system was installed around 1923 and therefore is at least 85 years old. A 1997 *Wastewater Collection System Cleaning and Inspection Report* indicated that the collection system had serious inflow and infiltration (I/I) problems. The collection system conveys wastewater from the City of Isleton to a lift station, which pumps the wastewater approximately 4,335 feet through a 10-inch, high density polyethylene (HDPE) force main to an aeration pond. The lift station and force main were installed in 1975. The force main is buried, except for a small section approximately 20 feet long that crosses a reclamation ditch.

4. From the aeration pond, wastewater gravity flows into two stabilization ponds totaling approximately seven acres in size. These ponds are operated in series. Effluent from the stabilization ponds is then discharged via gravity to six evaporation/percolation ponds totaling 24.2 acres in size.

### **Chronology of Previous Enforcement**

5. On 3 May 1996, the Board issued CDO 96-095 to address wastewater overflows, which occurred due to the lack of capacity in the wastewater ponds. The CDO required the Discharger to prepare technical reports and implement improvements and modifications to the collection system, wastewater treatment plant, lift station and force main to ensure compliance with the WDRs. Full compliance with the CDO was to be achieved by 1 January 1998; however, the Discharger did not comply.
6. On 7 January 2002, the Discharger observed that the wastewater level in the aeration pond had dropped significantly. Upon investigation, the City found that the force main crossing for the reclamation ditch, located at the southern end of the percolation ponds, was broken, and that raw sewage was being discharged into the ditch. Based on the Discharger's observation that the aeration pond water level was down by two inches, the amount of wastewater lost from the aeration lagoon system was approximately 90,000 gallons. Although the Discharger recovered approximately 30,000 gallons, the remaining wastewater was discharged to Georgiana Slough via the reclamation pump station.
7. Because the Discharger was unable to meet the compliance date for completing the improvements as required by the CDO, the Acting Executive Officer issued a CWC section 13308 Time Schedule Order (TSO) on 9 August 2002. The TSO required the Discharger to submit: (a) a Groundwater Characterization Workplan, (b) a Sewer Lift Station Safeguard Disposal Plan, (c) a Sludge Disposal Plan, (d) a Collection System Engineering Evaluation and Corrective Action Plan, (e) a Groundwater Well Installation Report, (f) a Construction Inspection Report, (g) a Revenue Plan, and (h) Quarterly Progress Reports. In addition, the TSO required the Discharger to comply with revised MRP 90-186. The TSO has not yet been rescinded.
8. On 19 October 2007, following a facility inspection and meeting with the Discharger, the Executive Officer issued a CWC section 13267 Order to address certain problems identified during the inspection and to require submittal of certain technical reports. In summary, the Order required the Discharger to submit: (a) a detailed plan and schedule to repair the percolation pond berms, (b) a report certifying that all equipment necessary to conduct freeboard monitoring in compliance with the revised MRP had been installed, (c) a report certifying that the Oxbow Marina influent flow meter had been repaired and/or replaced and was calibrated, and (d) a Capacity Analysis Conceptual Plan for the WWTF to address expected growth over the next four years. As of the date of this Order, the Discharger has completed all of the tasks required by the Section 13267 Order, except for submitting the Capacity Analysis Conceptual Plan, which was due by 28 February 2008. Based on conversations with the Discharger's consultant, Board staff understands

### **Chronology of Violations Alleged in Complaint R5-2009-0575**

9. On 23 October 2008, the Discharger notified Board staff that it had discovered a raw sewage spill from the force main. The spill occurred in a cornfield. An unknown volume of the spill flowed to a drainage ditch and then to Georgiana Slough via a pumping station. The spill resulted from a crack measuring approximately 18-inches long in a buried section of the force main. The Discharger estimated that the volume of the spill may have been as much as 2,000,000 gallons because the leak in the force main may have begun as early as 15 September 2008 (39 days prior to its discovery), based on a reduction of influent flows. Following discovery of the spill, the drainage ditch was blocked with soil to prevent further migration of the raw sewage. The leaking section of pipe was repaired on 24 October 2008. On 3 March 2009, Board staff issued a Notice of Violation (NOV) for the spill. The NOV required the Discharger to submit a technical report by 1 May 2009 describing corrective actions to be taken to prevent future spills. In addition, the NOV required the Discharger to provide documentation showing that the City of Isleton's influent flow meter had been repaired or replaced.
  
10. On 13 April 2009, the Discharger notified Board staff that it had discovered another raw sewage spill from the force main. The spill resulted from a leak in a cracked section of the buried force main approximately 20 to 30 feet southeast of the drainage ditch near the wastewater ponds. The Discharger stated that an unknown volume of raw sewage entered the drainage ditch and then flowed to Georgiana Slough. The estimated volume of the spill was not determined because the Discharger's influent flow meter was not operational. The Discharger stated that within approximately 90 minutes following discovery of the spill, the pumping plant was shut down and any sewage remaining of the ground was removed via a vacuum truck and transported to the wastewater ponds. Repairs to the cracked section of pipeline were completed on 14 April 2009. Prior to discovery of the spill, the Discharger had been walking this portion of force main several times per month inspecting for potential leaks. On 19 June 2009, Board staff issued an NOV for the spill which required the Discharger to provide a workplan by 1 August 2009 that described proposed measures (e.g., video surveying, etc.) that would be taken to provide an assessment of the integrity of the influent pipeline. In addition, the NOV required the Discharger to provide documentation showing that the City of Isleton's influent flow meter had been repaired or replaced by 1 August 2009. As of early October 2009, the Discharger has purchased a new flow meter but has not permanently installed it. However, by letter dated 3 December 2009, the Discharger states that the new flow meter is installed and operational.

### **Violations Alleged under CWC section 13350 in Complaint R5-2009-0575**

11. Administrative civil liability may be imposed for violations of WDRs Order 90-186 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).

12. 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.

13. Provision No. C.1 of WDRs Order 90-186 states:

The Discharger shall comply with the attached Monitoring and Reporting Program.

14. The Discharger's revised Monitoring and Reporting Program (MRP) required that Discharger conduct continuous influent flow monitoring for the volume of sewage discharged to the wastewater ponds.

15. Since at least 1 November 2008 through 1 October 2009 (a period of 334 days), the City of Isleton's influent flow meter has not been functioning, which is a violation of the revised MRP, and hence of Provision C.1 of the WDRs. If the meter had been functioning, the spill that was discovered on 13 April 2009 might have been discovered sooner, and the spill volume may have been reduced. Because the flow meter was not operating, the volume of raw sewage that discharged from the force main was not determined. In addition, because the flow meter is not operating, the Discharger has not submitted the Capacity Analysis Conceptual Plan that was due in February 2008.

16. **Maximum Civil Liability for Violations under CWC section 13350:** Pursuant to CWC section 13350, up to \$5,000 may be assessed per day per violation. Therefore, the maximum penalty for these 334 days of violations under section 13350 is **one million six hundred and seventy thousand dollars (\$1,670,000)**.

#### **Violations Alleged under CWC section 13268 in Complaint R5-2009-0575**

17. 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...

18. 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).

19. 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.

20. Although required by the 19 October 2007 CWC section 13267 Order (see Finding 8), the Discharger has failed to submit the Capacity Analysis Conceptual Plan which was due by 28 February 2008.

21. **Maximum Civil Liability for Violations under CWC section 13268:** As of 1 October 2009, the Discharger is subject to penalties of \$1,000 per day for 580 days of not submitting the Capacity Analysis Conceptual Plan pursuant to CWC section 13267. Therefore, a maximum liability of **five hundred and eight eight thousand dollars (\$580,000)** may be assessed pursuant to CWC section 13268.

**Violations Alleged under CWC section 13385 in Complaint R5-2009-0575**

22. CWC section 13385 states, in relevant part:

(a) Any person who violates any of the following shall be liable civilly in accordance with this section:

... (5) Any requirements of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the Clean Water Act, as amended ...

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

(e) 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.

23. Discharge Prohibition A.1 of WDRs Order 90-186 states:

The direct discharge of wastes to surface waters or surface water drainage courses is prohibited.

24. Discharge Prohibition A.2 of WDRs Order 90-186 states:

The by-pass or overflow of untreated or partially treated waste is prohibited.

25. WDRs Order 90-186 does not authorize the discharge of waste to surface waters. Any discharge of waste to surface waters is a violation of the Clean Water Act, section 301. CWC section 13385 authorizes the imposition of administrative civil liability for such violations.

26. Per CWC section 13385, civil liability administratively imposed by the Central Valley Water Board may not exceed \$10,000 per violation per day, plus \$10 per gallon for each gallon of waste discharged over 1,000 gallons. The Discharger spilled an estimated 2,000,000 gallons of raw sewage to surface waters over a period of 39 days in September and October 2008, and an unknown amount of raw sewage on 13 April 2009 (see Findings 9 and 10). For the 2,000,000 gallons spill, a total of at least 1,999,000 gallons were discharged in excess of 1,000 gallons per spill event. Therefore, at \$10 per gallon for discharges in excess of 1,000 gallon, and at \$10,000 per day for each day of discharge, the maximum liabilities are \$19,990,000 for the gallons spilled and \$400,000 for the 40 days of discharge. Taking these maximum liability amounts together, the total amount of penalties that may be assessed pursuant to section 13385 is **twenty million three hundred and ninety dollars (\$20,390,000)**.

**Total Maximum Penalty Alleged in Complaint R5-2009-0575**

27. Added together, the total maximum penalties that could be assessed under CWC sections 13350, 13268, and 13385 (described in Findings 16, 21, and 26) is **twenty two million six hundred and forty thousand dollars (22,640,000)**.

**Liability Amount**

28. Pursuant to CWC section 13385(e), at a minimum, liability shall be assessed at a level that recovers the economic benefits derived from the acts that constitute the violation. The Central Valley Water Board estimates that the Discharger gained an economic benefit of less than \$15,000 for not replacing the force main and the flow meter in a timely manner.

29. On 12 November 2009, Executive Officer Pamela Creedon issued Administrative Civil Liability Complaint R5-2009-0575 to the Discharger. The Complaint proposed four hundred fifteen thousand dollars (\$415,000) in civil liability pursuant to CWC sections

13350, 13268, and 13385. The amount of the liability was established based on a review of the factors cited in CWC section 13385.

30. Following issuance of the ACL Complaint, the Discharger and the Board's Prosecution Team conferred for the purpose of settling the violations. On 10 December 2009, after arms-length negotiations, the Discharger submitted a proposal to settle the ACL Complaint by paying fifteen thousand dollars (\$15,000) and completing the work described in Attachment A. This settlement proposal was accepted by the Executive Officer, acting as head of the Board's Prosecution Team. 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.
31. *Nature and Extent:* The Discharger has violated Discharge Prohibitions A.1 and A.2 of WDRs Order 90-186, by discharging at least 2,000,000 gallons of raw sewage into drainage ditch, and then into surface waters of Georgina Slough during a spill that was discovered on 13 October 2008. In addition, the Discharger also discharged an unknown amount of raw sewage to surface waters of Georgiana Slough from the same influent pipeline during a spill that was discovered on 13 April 2009. The volume of the spill that discovered on 13 April 2009 is unknown because the Discharger states that they did not have an operational influent flow meter. The Discharger has received NOVs for each of these spills to surface waters and is fully aware of the spills. The Discharger has also not submitted the Capacity Analysis report which was due in February 2008, and has not submitted complete monitoring reports because it does not have an operational flow meter.
32. *Circumstances:* The circumstances are such that the spill to surface waters that was discovered on 23 October 2009 could have been reduced in volume if the Discharger had reviewed its influent flow data and recognized a roughly 20,000 gallon per day decrease in the influent flow volume and investigated the pipeline for potential leaks during the week of 15 September 2008. In addition, if the City of Isleton's influent meter was operational during the spill that was discovered on 13 April 2009, the Discharger may have been able to determine that there was leak in the influent pipeline based on reduced flows. Flow meter monitoring is required by the 2002 revised Monitoring and Reporting Program (MRP), and the City should have replaced or repaired its flow meter when it determined that it wasn't working. Finally, the City has stated that the Capacity Analysis Report was not submitted because of the non-operational flow meter.
33. *Gravity:* The Discharger's failure to prevent the raw sewage spills to surface waters of Georgiana Slough has resulted in potential human health risks from bacteria and viruses. In addition, the Discharger's failure to submit the Capacity Analysis Report as required by the October 2007 Section 13267 Order is a violation of the WDRs. The lack of an operational flow meter is also a violation of the WDRs, and has directly resulted in the failure to submit the Capacity Analysis and has indirectly resulted in an increased volume of wastewater spilled.

34. *Toxicity*: Because of the volume of spills to surface waters and the fact that the spills were raw sewage, the degree of toxicity from these discharges appears to be moderate.
35. *Susceptibility of the Discharge to Cleanup*: Due to the circumstances of the spills, once the sewage entered surface waters there was no practical way to clean up or to avoid water quality impacts or impacts to beneficial uses.
36. *Degree of Culpability*: The Discharger was aware of the prohibition against discharges to surface waters. It appears that the Discharger did not make sufficient inspections or testing of the 24-year old force main to prevent unauthorized discharges. In addition, the Discharger did not investigate a significant reduction in flow volumes recorded by its flow meter. The Discharger was aware of the requirement to record influent flows to the treatment plant, and therefore the need to have a working flow meter. The Discharger was also aware of the requirement to submit a Capacity Analysis Report, and the fact that this report would rely on data from the flow meter. However, the Discharger did not repair/replace the flow meter until 3 December 2009 so that it could comply with its requirements.
37. *Notification of Violation*: The Discharger notified Water Board staff, Sacramento County Environmental Management, and the California Emergency Management Agency of the spills, in accordance with the Standard Provisions and Reporting Requirements.
38. *Degree of Cooperation*: The Discharger has been cooperative in providing required spill reports per the WDRs and the Standard Provisions and Reporting Requirements. However, the Discharger has not been cooperative in complying with its 1996 Cease and Desist Order, its 2002 CWC 13308 Time Schedule Order, its 2007 CWC 13268 Order for Reports, or its revised Monitoring and Reporting Program.
39. *Prior History of Violations*: Since issuance of the WDRs in 1990, the Discharger has received a Cease and Desist Order (CDO) in May 1996 to address wastewater overflows due to the lack of capacity in the wastewater ponds, (b) a Water Code Section 13308 Time Schedule Order (TSO) in August 2002 to address the construction improvements to increase capacity at the WWTP, and (c) a CWC section 13267 Order to address certain problems identified during an inspection and to require submittal of certain technical reports. Requirements in the CWC section 13267 Order have not been completed and therefore the TSO has not been rescinded.
40. *Economic Benefit*: The discharges were due to leaks discovered in a section of 10-inch force main from the lift station to the wastewater ponds. The severity of the discharge could have been prevented if the Discharger would have began conducting daily inspections of the force main, and/or replaced the 24-year old force main following discovery of the two million gallon spill on 23 October 2008. It is our understanding that daily inspections of the pipeline began following a 27 August 2009 meeting to discuss the violations. The City has accrued a small economic benefit (interest avoided on any necessary loan) by not yet replacing the force main and by only recently installing the

flow meter. Board staff has estimated that the total economic benefit for the spills, flow meter, and force main is less than \$15,000.

41. *Ability to Pay:* The City of Isleton is a small community which has experienced financial challenges in recent years. According to the City Manager's 14 September 2009 letter, for fiscal years 2005/06 through 2007/08, the City Council approved budgets which overestimated revenue and underestimated expenses. This resulted in the City accruing approximately \$1 million of debt. The City is now operating with a balanced budget and sold \$1 million in Certificates of Participation to pay off the outstanding debt. The City's Sewer Enterprise Fund generates \$300,000 in revenue each year, of which 20% is used to pay a United States Department of Agriculture (USDA) loan. The City has also received grants for wastewater treatment plant improvements from the Sacramento Housing and Redevelopment Agency, and anticipates receiving additional grants to address the force main replacement.
42. *Staff Costs:* Board staff spent approximately 200 hours investigating this incident and preparing this Order. The total cost for Board staff time is \$30,000 based on a rate of \$150 per hour.
43. 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 D. Landau has the authority to issue this Order.
44. 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 mandated by Federal regulations (40 CFR 123.27) has expired.
45. 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 THAT:**

1. The City of Isleton shall pay an Administrative Civil Liability in the amount of three hundred ninety thousand dollars (\$390,000) of which three hundred seventy five thousand (\$375,000) 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 City of Isleton shall pay **fifteen thousand dollars (\$15,000)** in administrative civil liability. Payment shall be made by check made payable to the *State Water Pollution Cleanup and Abatement Account* and remitted to the Central Valley Regional Board located at 11020 Sun Center Drive, Suite 200, Rancho Cordova, California.
3. If the Assistant Executive Officer determines that either of the tasks listed in Attachment A and further described below 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, as follows:
  - a. Task 1: Capacity Analysis Report. If the Discharger fails to submit a Capacity Analysis Report that meets the Assistant Executive Officer's approval by 30 September 2010, then within 30 days of demand, the Discharger shall pay \$25,000 of the suspended penalty the *State Water Pollution Cleanup and Abatement Account*. Payment shall be made via check and shall contain a reference to "ACL Order R5-2010-0504".
  - b. Task 2: Sewer Force Main Completion Report. If the Discharger fails to a) walk the sewer force main inspecting for potential leaks for a minimum of five days per week, b) submit quarterly progress reports describing the work completed on the sewer force-main due 1 February 2010, 1 May 2010, and 1 August 2010, and/or c) fails to submit a report that meets the Assistant Executive Officer's approval describing that the force main has been installed to industry standards and is being used to transport wastewater to the wastewater plant by 30 September 2010, then within 30 days of demand, the Discharger shall pay \$350,000 of the suspended penalty to the *State Water Pollution Cleanup and Abatement Account*. Payment shall be made via check and shall contain a reference to "ACL Order R5-2010-0504".
4. Payment of the \$15,000 and successful and timely completion of the tasks listed in Attachment A shall resolve the violations charged in ACL Complaint R5-2009-0575.
5. 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.
6. The Assistant 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. 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 tasks 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 task completed in conformity with the tasks described in Attachment A and the total amount of the suspended penalty.

7. If the Discharger fails to make the payments or 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.
8. This Order is final, and shall be effective immediately 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

gjc: 27 Jan-10

Attachment A: Suspended Liability Tasks

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0504**  
**Suspended Liability Task Descriptions**

**Task 1: Capacity Analysis Report**

Due date: 30 September 2010

Assigned Credit for Task Completion: \$25,000

Brief Description of the Task: As required by a 19 October 2007 Water Code Section 13267 Order, the City of Isleton shall conduct a capacity analysis to show whether the Wastewater Treatment Facility has adequate treatment, storage, and disposal capacity for both current and projected 2015 influent flows.

Project Schedule and Deliverable:

By **1 September 2010**, the City of Isleton will submit a Capacity Analysis Report prepared by a California-registered Professional Engineer and bearing the professional's signature and stamp. The capacity analysis shall clearly show whether the wastewater treatment facility has adequate treatment, storage, and disposal capacity for both current influent flows and for projected 2015 influent flows. If there is not enough capacity for projected 2015 flows, then the Capacity Analysis Report will contain a conceptual plan for treatment plant expansion to accommodate expected growth. Separate hydraulic capacity analyses (water balances) shall be prepared for the average rainfall year and the 100-year return period total annual precipitation. The water balances shall comply with the guidance document attached to the 19 October 2007 Water Code Section 13267 Order, and shall be based on the following:

- a. Influent flow monitoring data collected over the last five years;
- b. Reasonable projections of infiltration and inflow (I/I) based on actual flow monitoring data before and after the recently completed I/I correction program;
- c. A minimum of two feet of freeboard in each pond and effluent disposal area at all times;
- d. Historical local evaporation and evapotranspiration data (monthly average values);
- e. Local precipitation data with the 100-year return period annual total distributed monthly in accordance with mean monthly precipitation patterns;
- f. Effluent disposal area loading rates distributed monthly in accordance with expected seasonal variations; and
- g. Projected long-term percolation rates in the unlined ponds and effects of solids plugging.

**Attachment A**  
**Administrative Civil Liability Order No. R5-2010-0504**  
**Suspended Liability Task Descriptions**

**Task 2: Sewer Force Main Completion Report**

Final due date: 30 September 2010

Assigned Credit for Task Completion: \$350,000

Brief Description of the Task: The City of Isleton will design and install a sewer force-main to replace the existing 10-inch force main. The force main will measure approximately 4,400 feet long and extend from the wet well (headworks) to the evaporation ponds.

Project Schedule and Deliverable:

Beginning **immediately** and continuing until the force main is replaced, the Discharger shall continue to walk the sewer force main five days per week inspecting for potential leaks. Inspection results must be documented in the monthly monitoring reports that are required by the WDRs.

By **1 September 2010**, the City of Isleton will submit a report showing that the force main has been installed to industry standards and is being used to transport wastewater to the wastewater plant.

**Task 3: Quarterly Progress Reports**

**Beginning 1 February 2010**, and by the first day of the second month following each calendar quarter (**i.e., by 1 February, 1 May, and 1 August**), the City of Isleton shall submit quarterly progress reports describing the work completed to date regarding each of the tasks described above.



# California Regional Water Quality Control Board Central Valley Region

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



Linda S. Adams  
Secretary for  
Environmental  
Protection

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

Bruce Pope  
City of Isleton  
101 Second Street  
P.O. Box 716  
Isleton, CA 95641

## **PAYMENT SCHEDULE FOR ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2010-0504, CITY OF ISLETON, SACRAMENTO COUNTY**

Pursuant to Administrative Civil Liability Order R5-2010-0504 (Order), you are ordered to pay \$390,000 to the State Water Resources Control Board Cleanup and Abatement Account. Payment will resolve the violations alleged in Administrative Civil Liability Complaint R5-2009-0620. However, the Central Valley Water Board will permanently suspend collection of \$375,000 of the civil liability imposed by the Order if you comply with Attachment A of the Order. The Order also requires payment of \$15,000 within 30 days. However, the Central Valley Water Board will defer collection of the \$15,000 if you comply with the payment schedule specified below:

The Discharger agrees to pay \$15,000 to the State Water Resources Control Board Cleanup and Abatement Account in eight payments of \$1,875 over an eight month period beginning in February 2010. Payments shall be made by check made payable to the *State Water Pollution Cleanup and Abatement Account* and shall contain a reference to "ACL Order R5-2010-0504". The checks shall be 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 **26 February 2010**. Subsequent payments are due by **31 March 2010, 30 April 2010, 28 May 2010, 30 June 2010, 30 July 2010, 31 August 2010, and 30 September 2010**.

This letter memorializes and accepts the above payment schedule on the following conditions. If the City of Isleton fails to make the 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 \$15,000 be paid with 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 any questions, please contact Wendy Wyels at (916) 464-4835.

KENNETH D. LANDAU  
Assistant Executive Officer

cc: see next page

**California Environmental Protection Agency**

cc w/encl: David Larsen, Law Offices of David L. Larsen, San Ramon

cc w/o enc: Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Emel Wadhvani, Office of Chief Counsel, SWRCB, Sacramento  
Dana Booth, Sacramento Co. Env. Management Dept., Sacramento  
Bill Jennings, California Sportfishing Protection Alliance, Stockton

gjc: 27 Jan-10