

**MEMORANDUM  
DEPARTMENT OF FACILITY SERVICES  
COUNTY OF PLACER COUNTY**

To: **BOARD OF SUPERVISORS**

Date: **DECEMBER 13, 2011**

From: *J* **JAMES DURFEE / WILL DICKINSON** *WD*

Subject: **PAYMENT OF AN ADMINISTRATIVE CIVIL LIABILITY FOR SEWER  
MAINTENANCE DISTRICT 1**

**ACTION REQUESTED / RECOMMENDATION:** No action is required. This informational item explains why Sewer Maintenance District 1 (SMD 1) was assessed a \$222,000 fine by the Central Valley Regional Water Quality Control Board (RWQCB).

**BACKGROUND:** SMD 1 provides sewer service to approximately 7,900 Equivalent Dwelling Units in the North Auburn area. Wastewater Treatment Plant 1 (Plant 1) uses processes that cannot consistently meet all current regulatory standards defined in the discharge permit approved by the RWQCB in September 2010. Each violation is subject to Mandatory Minimum Penalties (MMPs) of \$3,000 per violation. Compliance schedules that protected the County from fines and third party lawsuits expired on March 1, 2010. Staff anticipates approximately \$180,000 in MMPs per year from now until September 2015, after which staff anticipates MMPs of \$2,500,000 per year until Plant 1 is in compliance. Also, the RWQCB has the ability to levy additional, discretionary fines.

On October 11, 2011, the County received an Administrative Civil Liability Order (ACLO) from the RWQCB for seventy-four discharge violations at Plant 1 from July 31, 2010 to May 31, 2011, for a total of \$222,000 in MMPs. Most of the MMPs were for violations of newer standards that Plant 1 was not designed to comply with, such as total coliform during high flow conditions, nitrate, and disinfection byproducts. The other MMPs were the result of contaminated sampling equipment, violations of the aluminum standard in our permit, or residual impacts of very wet weather on the disinfection system. In order to achieve long term compliance with the discharge standards, the County is working to either upgrade the existing treatment plant or construct a regionalization project that would convey the wastewater to the City of Lincoln for treatment. In addition, County staff is in the process of developing information to support our request that the RWQCB change our aluminum discharge standard, similar to the City of Auburn.

The RWQCB has allowed the County to dedicate \$118,500 of the \$222,000 towards completion of a water quality project in Hidden Falls Regional Park, which will be administered by the Parks Division of Facility Services. Staff submitted payment of the remaining \$103,500 penalty amount by the November 7, 2011, payment deadline as required by the ACLO.

**ENVIRONMENTAL CLEARANCE:** Payment of an ACLO is not considered a project under the California Environmental Quality Act (CEQA) Guidelines.

**FISCAL IMPACT:** Funding for the \$222,000 ACLO came from the Fiscal Year 2010/11 SMD 1 Operations Budget.

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