

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

To: **BOARD OF SUPERVISORS**

Date: **DECEMBER 13, 2011**

From:  **JAMES DURFEE / WILL DICKINSON** 

Subject: **PAYMENT OF AN ADMINISTRATIVE CIVIL LIABILITY FOR SEWER
MAINTENANCE DISTRICT 3**

ACTION REQUESTED / RECOMMENDATION: No action is required. This informational item explains why Sewer Maintenance District 3 (SMD 3) was assessed a \$105,000 fine by the Central Valley Regional Water Quality Control Board (RWQCB).

BACKGROUND: SMD 3 provides sewer service to approximately 528 connections (615 EDUs) in the Horseshoe Bar area. Wastewater Treatment Plant 3 (Plant 3), constructed in 1962, uses a disinfection process that cannot meet current regulatory standards as defined in the discharge permit for Plant 3 adopted June 2007. 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 May 18, 2010. Staff anticipates approximately \$156,000 in MMPs per year from now until Plant 3 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 thirty-five discharge violations at Plant 3 from August 1, 2010 to May 31, 2011, for a total of \$105,000 in MMPs. All but four of the MMPs were for violations of disinfection byproducts standard, a standard Plant 3 was not designed to comply with. On January 8, 2008, your Board sent a letter to the RWQCB stating that the County intends to pursue regionalization by decommissioning Plant 3 and constructing a pipeline to Roseville for treatment. The regionalization project is currently at the 60% design stage. Environmental documentation is being prepared concurrent with design. Staff will return to your Board at a later date regarding funding of construction.

The RWQCB has allowed the County to dedicate \$60,000 of the \$105,000 penalty amount 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 \$45,000 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 \$105,000 ACLO came from the Fiscal Year 2010/11 SMD 3 Operations Budget.

JD:WD:KS:LM

CC: COUNTY EXECUTIVE OFFICE

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD: ACLO

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