

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2009-0553

MANDATORY PENALTY
IN THE MATTER OF

NEVADA COUNTY SANITATION DISTRICT NO. 1
LAKE WILDWOOD WASTEWATER TREATMENT PLANT
NEVADA COUNTY

This Order is issued to the Nevada County Sanitation District No.1 (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Orders 95-115 and R5-2002-0093 (NPDES No. CA0077828).

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

1. The Discharger owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the Lake Wildwood and Wildwood Estates Subdivisions. Treated municipal wastewater is discharged to Deer Creek, a water of the United States and tributary to the Yuba River.
2. On 26 May 1995, the Central Valley Water Board issued WDRs Order 95-115 to regulate discharges of waste from the WWTP. On 7 June 2002, the Central Valley Water Board issued WDRs Order R5-2002-0093, which contained new regulations and rescinded Order 95-115. The WDRs include effluent limitations and other requirements regarding the wastewater discharges.
3. CWC sections 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC 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.

CWC 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.

CWC section 13385(i)(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 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.

4. CWC 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:

(l)(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.

5. WDRs Order 95-115 Effluent Limitations No. B.1. include, in part, the following effluent limitations: *“During the months of May through October, the discharge of an effluent in excess of the following limits is prohibited.”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
Total Coliform Organisms	MPN/100 mL	--	--	2.2	23
Turbidity	NTU	3	--	--	10

6. WDRs Order 95-115 Effluent Limitations No. B.2. include, in part, the following effluent limitations: *“During the months of November through April, the discharge of an effluent in excess of the following limits is prohibited.”*

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<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Monthly Median</u>	<u>Daily Maximum</u>
BOD ¹	mg/L	30 ²	45 ²	--	60 ²
Chlorine Residual	mg/L	--	--	--	0.02
<u>Total Coliform Organisms</u>	MPN/100 mL		--	23	230

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

7. WDRs Order 95-115 Effluent Limitations No. B.5. requires that *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*
8. WDRs Order R5-2002-0093 Effluent Limitations B.1. include, in part: *“... the effluent shall not exceed the following limits when flow in Deer Creek provides less dilution than 20:1 (stream flow:effluent):”*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Chlorine Residual	mg/L		0.010	--	--	0.019
Total Suspended Solids	mg/L	10 ²	15 ²	--	30 ²	--
Total Coliform Organisms	MPN/100 mL	2.2		--	23	--
<u>Turbidity</u>	NTU	3	--	--	10	--

² To be ascertained by a 24-hour flow proportional composite sampler.

9. WDRs Order R5-2002-0093 Effluent Limitations B.2. include, in part: *“In addition to the above, the effluent shall not exceed the following limitations from 1 June 2006 forward:”*

<u>Constituents</u>	<u>Units</u>	<u>Daily Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Total Coliform Organisms ¹	MPN/100 mL	--	--	2.2	23	--
<u>Turbidity²</u>	NTU	2	--	--	5	--

¹ The total coliform organisms concentration shall not exceed 23 MPN/100 mL more than once in any 30-day period. No sample shall exceed a concentration of 240 MPN/100 mL.

² The turbidity shall not exceed 5 NTU more than 5 percent of the time within a 24-hour period. At no time shall the turbidity exceed 10 NTU.

10. WDRs Order R5-2002-0093 Effluent Limitations B.3. include, in part: *“When flows in Deer Creek provides (sic) a minimum dilution ratio of 20:1 (stream flow:effluent)) full secondary treatment shall be provided and the coagulation system and filters shall be used to the maximum extent possible and effluent shall not exceed the following limits:*

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>	<u>1-hour Average</u>
Nitrate + Nitrite (as N) ⁵	mg/L	10	--	--	--	--
<u>Total Coliform Organisms</u>	MPN/100 mL	23	--	--	240	--

⁵ The Effluent Limitations for ammonia, nitrate and nitrate (sic) are not in effect until 30 April 2007. See Cease and Desist Order No. R5-2002-0094 for details.

11. WDRs Order R5-2002-0093 Effluent Limitations No. B.5. requires that “*The discharge shall not have a pH less than 6.5 nor greater than 8.5.*”
12. According to the Discharger’s self-monitoring reports, the Discharger committed twelve (12) serious Group I violations of the above effluent limitations contained in Orders 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these serious violations is **thirty-six thousand dollars (\$36,000)**.
13. According to the Discharger’s self-monitoring reports, the Discharger committed six (6) serious Group II violations of the above effluent limitations contained in Orders 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these serious violations is **eighteen thousand dollars (\$18,000)**.
14. According to the Discharger’s self-monitoring reports, the Discharger committed ninety-two (92) non-serious violations of the above effluent limitations contained in Orders 95-115 and R5-2002-0093 during the period beginning 1 January 2000 and ending 31 December 2007. Eighty-three (83) of the non-serious violations are subject to mandatory penalties under CWC 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 **two hundred forty-nine thousand dollars (\$249,000)**.
15. The total amount of the mandatory penalties assessed for the cited effluent violations is **three hundred three thousand dollars (\$303,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
16. On 16 June 2008, Assistant Executive Officer Jack Del Conte issued Administrative Civil Liability Complaint R5-2008-0532 to the Discharger. The Complaint assessed \$303,000 in mandatory minimum penalties. Following issuance of ACL Complaint, the Discharger and Board’s prosecution team conferred for the purpose of settling this matter and the allegations herein without a formal hearing. After arms-length negotiations, the Discharger and the Board’s prosecution team arrived at a mutually acceptable resolution of the Complaint.
17. The ACL Complaint will be resolved as follows: The Discharger will pay \$246,350 to the *State Water Pollution Control Cleanup and Abatement Account*, and will timely complete the \$56,650 Supplemental Environmental Project (SEP) described in Attachment B, a part

of this Order. The proposed settlement takes into account the factors cited in CWC section 13385(e) and the State Water Resources Control Board's *Water Quality Enforcement Policy*.

18. 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.
19. 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 § 21000 et seq.), on accordance with California Code of Regulations, title 14, section 15321(a)(2).

NEVADA COUNTY SANITATION DISTRICT NO. 1 IS HEREBY GIVEN NOTICE THAT:

1. The Discharger shall be assessed an Administrative Civil Liability in the amount of **three hundred three thousand dollars (\$303,000)**.
2. The Discharger will remit payment for **two hundred forty-six thousand hundred-fifty dollars (\$246,350)** of the imposed civil liability by check, which shall contain a reference to "ACL Order R5-2009-0553" and shall be made payable to the "*State Water Pollution Cleanup and Abatement Account*." This payment must be received by the Central Valley Water Board **by 24 August 2009**.
3. Of the \$303,000 assessed penalty, **fifty-six thousand six hundred-fifty dollars (\$56,650)** shall be suspended, pursuant to CWC section 13385(l), pending completion of a Supplemental Environmental Project (SEP). The SEP chosen by the Discharger is the Gravel Augmentation Restoration on Lower Deer Creek. 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, a part of this Order. **By 24 August 2009**, the Discharger shall make a payment of \$12,000 to the Friends of Deer Creek in order to fund the Assessment portion of the SEP.
4. If the Discharger determines through the Assessment that it is not feasible or environmentally beneficial to continue with the SEP, then by **30 December 2009**, the Discharger shall submit a post-project accounting of all expenditures, as well as a check to cover the difference between the suspended penalty and the SEP expenses. The check shall be for at least \$44,650, and shall contain a reference to "ACL Order R5-2009-0553" and shall be made payable to the "*State Water Pollution Cleanup and Abatement Account*."
5. If the Assessment shows that it is feasible to continue with the SEP, then by **10 December 2009**, the Discharger shall make a payment of \$44,650 to the Friends of Deer Creek in order to fund the remainder of the SEP.

6. The Discharger is ultimately responsible for ensuring that the work described in Attachment B is satisfactorily 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 Finance.
7. If the final cost of the successfully completed SEP is less than the suspended amount of \$56,650, the Discharger must remit the difference to the *State Water Pollution Cleanup and Abatement Account* by **30 August 2012**.
8. Consistent with 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 not part of the direct cost of the SEP. By **24 August 2009**, the Discharger shall provide the name and address to be used for billing purposes.
9. Whenever the Discharger or its agents or subcontractors, or any fiscal agent holding SEP funds, publicize any element of a SEP project, they shall state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action against the Discharger.
10. 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. 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 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.
11. 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.
12. Should the Discharger fail to take any of the above actions, the Executive Officer may refer the matter to the State Attorney General for enforcement of the terms of this Order.

13. This Order is final 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, 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 Joe Karkoski

for PAMELA CREEDON, Executive Officer

23 July 2009

Date

BLH/WSW: 22 July 2009

Attachment A: Record of Violations
Attachment B: Supplemental Environmental Project

ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2009-0553

Nevada County Sanitation District No. 1
Lake Wildwood Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2000 – 31 December 2007) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs 95-115 and R5-2002-0093)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure d</u>	<u>Period Type</u>	<u>Remark</u>
1	14-Feb-00	pH	pH Units	6.5	6.3	1-Day Minimum	3
2	12-Oct-00	Total Coliform	MPN/100 mL	2.3	1600	Daily Maximum	3
3	23-Nov-00	Chlorine Residual	mg/l	0.02	4.5	Daily Maximum	2
4	24-Nov-00	Chlorine Residual	mg/l	0.02	2.2	Daily Maximum	2
5	25-Nov-00	BOD	mg/l	15	17	Weekly Average	4
6	28-Nov-00	Total Coliform	MPN/100 mL	230	1600	Daily Average	4
7	30-Nov-00	Total Coliform	MPN/100 mL	230	1600	Daily Average	4
8	1-Dec-00	pH	pH Units	6.5	6.2	1-Day Minimum	4
9	5-Dec-00	Total Coliform	MPN/100 mL	230	1600	Daily Maximum	4
10	6-Dec-00	Total Coliform	MPN/100 mL	230	1600	Daily Maximum	4
11	7-Dec-00	Total Coliform	MPN/100 mL	230	1600	Daily Maximum	4
12	8-Dec-00	Total Coliform	MPN/100 mL	230	1600	Daily Maximum	4
13	3-Jul-01	pH	pH Units	6.5	6.3	1-Day Minimum	3
14	18-Dec-01	pH	pH Units	6.5	6.3	1-Day Minimum	3
15	23-Jan-02	Total Coliform	MPN/100 mL	230	1600	Daily Maximum	3
16	23-Jan-02	Chlorine Residual	mg/l	0.02	0.3	Daily Maximum	2
17	23-Apr-02	pH	pH Units	8.5	8.9	1-Day Maximum	4
18	31-May-02	Turbidity	NTU	3	4	Monthly Average	4
19	6-Jun-02	pH	pH Units	6.5	6.3	1-Day Minimum	4
20	1-Aug-02	pH	pH Units	6.5	6.3	1-Day Minimum	4
21	6-Aug-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
22	27-Aug-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
23	22-Nov-02	Total Coliform	MPN/100 mL	23	1600	Daily Maximum	4
24	4-Dec-02	pH	pH Units	6.5	6.4	1-Day Minimum	4
25	5-Dec-02	pH	pH Units	6.5	6.2	1-Day Minimum	4
26	31-Dec-02	Turbidity	NTU	3	5	Monthly Average	1
27	27-Feb-03	pH	pH Units	6.5	6.4	1-Day Minimum	4
28	27-May-03	pH	pH Units	6.5	6.2	1-Day Minimum	4
29	3-Jun-03	pH	pH Units	8.5	8.8	1-Day Maximum	4
30	9-Jul-03	pH	pH Units	8.5	10.3	1-Day Maximum	4
31	17-Jul-03	pH	pH Units	8.5	10.3	1-Day Maximum	4
32	12-Aug-03	pH	pH Units	8.5	8.7	1-Day Maximum	4
33	31-Aug-03	Turbidity	NTU	3	4	Monthly Average	4
34	9-Sep-03	TSS	mg/l	30	34	Daily Maximum	4
35	29-Sep-03	Chlorine Residual	mg/l	0.019	0.35	1-Hour Average	2
36	6-Nov-03	pH	pH Units	6.5	6.1	1-Day Minimum	4
37	19-Nov-03	Total Coliform	MPN/100 mL	23	50	Daily Maximum	4
38	25-Nov-03	Total Coliform	MPN/100 mL	23	110	Daily Maximum	4
39	26-Nov-03	pH	pH Units	6.5	6.2	1-Day Minimum	4

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure d</u>	<u>Period Type</u>	<u>Remark</u>
40	26-Nov-03	Total Coliform	MPN/100 mL	23	220	Daily Maximum	4
41	30-Nov-03	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
42	31-Jan-04	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
43	29-Jun-04	Total Coliform	MPN/100 mL	23	30	Daily Maximum	3
44	30-Jun-04	Turbidity	NTU	3	5	Monthly Average	1
45	6-Jul-04	Chlorine Residual	mg/l	0.019	4	1-Hour Average	2
46	31-Aug-04	Turbidity	NTU	3	7	Monthly Average	1
47	30-Sep-04	Turbidity	NTU	3	6	Monthly Average	1
48	30-Nov-04	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
49	31-Dec-04	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
50	31-Dec-04	Turbidity	NTU	3	4	Monthly Average	4
51	3-Jan-05	Total Coliform	MPN/100 mL	23	170	Daily Maximum	4
52	4-Jan-05	Total Coliform	MPN/100 mL	23	50	Daily Maximum	4
53	5-Jan-05	Total Coliform	MPN/100 mL	23	50	Daily Maximum	4
54	31-Jan-05	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
55	30-Apr-05	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
56	31-May-05	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
57	30-Jun-05	Total Coliform	MPN/100 mL	2.2	3	Monthly Average	4
58	11-Jul-05	Chlorine Residual	mg/l	0.019	5.5	1-Hour Average	2
59	4-Aug-05	pH	pH Units	8.5	8.9	1-Day Maximum	4
60	22-Aug-05	pH	pH Units	8.5	9.2	1-Day Maximum	4
61	27-Oct-05	pH	pH Units	8.5	11.6	1-Day Maximum	4
62	31-Oct-05	Total Coliform	MPN/100 mL	2.2	4	Monthly Average	4
63	5-Sep-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
64	9-Sep-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
65	10-Sep-06	Turbidity	NTU	5	13	Daily Maximum	1
66	27-Sep-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	3
67	7-Oct-06	pH	pH Units	8.5	8.8	1-Day Maximum	4
68	11-Oct-06	pH	pH Units	8.5	8.7	1-Day Maximum	4
69	11-Oct-06	Turbidity	NTU	5	20	Daily Maximum	1
70	12-Oct-06	pH	pH Units	8.5	9.2	1-Day Maximum	4
71	12-Oct-06	Turbidity	NTU	5	20	Daily Maximum	1
72	26-Oct-06	pH	pH Units	8.5	8.6	1-Day Maximum	4
73	26-Oct-06	Total Coliform	MPN/100 mL	2.2	3	7-Day Median	3
74	30-Oct-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	3
75	31-Oct-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
76	9-Nov-06	pH	pH Units	6.5	0.9	1-Day Minimum	4
77	15-Nov-06	Total Coliform	MPN/100 mL	2.2	8	7-Day Median	4
78	20-Nov-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
79	21-Nov-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
80	27-Nov-06	Total Coliform	MPN/100 mL	2.2	8	7-Day Median	4
81	28-Nov-06	Total Coliform	MPN/100 mL	2.2	8	7-Day Median	4
82	29-Nov-06	Total Coliform	MPN/100 mL	2.2	7	7-Day Median	4
83	13-Dec-06	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4

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	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure d</u>	<u>Period Type</u>	<u>Remark</u>
84	18-Dec-06	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
85	19-Dec-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
86	20-Dec-06	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
87	22-Nov-06	Total Coliform	MPN/100 mL	2.2	7	7-Day Median	4
88	26-Dec-06	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
89	27-Dec-06	Total Coliform	MPN/100 mL	2.2	13	7-Day Median	4
90	28-Dec-06	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
91	31-Dec-06	pH	pH Units	8.5	11.1	1-Day Maximum	4
92	17-Jan-07	Turbidity	NTU	5	11	Daily Maximum	1
93	29-Jan-07	Total Coliform	MPN/100 mL	23	30	Daily Maximum	4
94	30-Jan-07	Total Coliform	MPN/100 mL	2.2	8.7	Monthly Average	4
95	10-Feb-07	Turbidity	NTU	5	6	Daily Maximum	4
96	10-Feb-07	Turbidity	NTU	10	20	Maximum	1
97	11-Feb-07	Turbidity	NTU	5	17	Daily Maximum	1
98	21-Feb-07	Total Coliform	MPN/100 mL	23	130	Daily Maximum	4
99	22-Feb-07	Turbidity	NTU	5	23	Daily Maximum	1
100	5-Mar-07	Total Coliform	MPN/100 mL	2.2	17	7-Day Median	4
101	6-Mar-07	Total Coliform	MPN/100 mL	2.2	11	7-Day Median	4
102	7-Mar-07	Total Coliform	MPN/100 mL	2.2	13	7-Day Median	4
103	12-Mar-07	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
104	13-Mar-07	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
105	14-Mar-07	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
106	19-Mar-07	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
107	20-Mar-07	Total Coliform	MPN/100 mL	2.2	9	7-Day Median	4
108	21-Mar-07	Total Coliform	MPN/100 mL	2.2	4	7-Day Median	4
109	28-Mar-07	Total Coliform	MPN/100 mL	23	130	Daily Maximum	4
110	24-Apr-07	Turbidity	NTU	5	12	Daily Maximum	1

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Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<u>VIOLATIONS AS OF:</u>	<u>12/31/2007</u>
Group 1 Serious Violations:	12
Group 2 Serious Violations:	6
Non-Serious Exempt from MPs:	9
Non-serious Violations Subject to MPs:	83

Total Violations Subject to MMPs: 101

Mandatory Minimum Penalty = (18 Serious Violations + 83 Non-Serious Violations) x \$3,000 = \$303,000

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Proposed SEP Project Description

Project Title: Gravel Augmentation Restoration on Lower Deer Creek

Geographic area of interest: Deer Creek

Name of responsible entity: Nevada County Sanitation District No. 1, supported by Friends of Deer Creek

Estimated cost for project completion: \$56,650, which includes a 10% contingency.

Contact Information:

Gordon Plantenga
Nevada County Sanitation District No. 1
950 Maidu Ave, Suite 290
Nevada City, CA 95959
(530) 265-7103

Joanne Hild
Friends of Deer Creek
132 Main St.
Nevada City, CA 95959
(530) 265-6090

Brief description of the project:

The Nevada County Sanitation District No. 1 (Discharger) and Friends of Deer Creek will work together to develop a gravel augmentation restoration project/study on lower Deer Creek. This project would provide critical habitat for aquatic organisms including benthic macroinvertebrates, frogs, fish, and possibly salmon. The lower reach of Deer Creek below the falls and upstream of the Yuba River has the potential of a spawning area for salmon. Currently, there is not sufficient spawning area available, due to a lack of suitable gravel beds. Spawning occurs in beds with gravel of a size that fish can excavate. Optimum beds have been reported as a mixture of gravel, rubble (mean diameter of 1-4 cm), and less than 25% fines. This project will develop and enhance the gravel beds in several locations to provide a suitable spawning habitat for salmon and other aquatic organisms. The project will build on the August 2008 geomorphology survey of Lower Deer Creek, Squirrel Creek, and Upper Deer Creek conducted by the Friends of Deer Creek.

Water body, beneficial use and/or pollutant addressed by this project:

The gravel restoration project will take place in Deer Creek, which is the same water body that the Lake Wildwood Wastewater Treatment Plant discharges into. The project will enhance the beneficial use of "spawning, reproduction, and/or early development of aquatic organisms".

Project schedule, budget, and deliverables:

The Discharger will be responsible for providing all deliverables described below for each phase of the project.

1. Formal Agreement. The Discharger will submit a formal agreement with Friends of Deer Creek. The agreement will document that Friends of Deer Creek will complete the project as described herein, that any SEP funds received from the Discharger will be spent in accordance with the terms of the ACL Order, and that Friends of Deer

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Creek agrees to an audit of its SEP expenditures, if requested by the Water Board.
Due date: 24 August 2009.

2. Assessment. Will include a review of historic data, aerial photos, a survey of Deer Creek below the Lake Wildwood reservoir to determine the current conditions, and a determination of the appropriate gravel types. Cost: \$12,000. Time frame: 6 weeks. Deliverable: a report describing whether or not gravel augmentation is feasible and whether it will provide a benefit to the aquatic environment. **Due date: 30 November 2009.**
3. Gravel Augmentation Plan. Will include a discussion of all permits that will be needed for the project, a determination of the locations for gravel input, the schedule and frequency for inputting the gravel, protocols for inputting the gravel, and information about the supplier of the gravels. Cost: \$3,500. Time frame: 6 weeks. Deliverable: Augmentation Plan. **Due date: 15 January 2010.**
4. Implementation. Will include acquisition of all necessary permits, property rights access, purchase of the gravel, analysis for heavy metals, site preparation, and hauling and placing the gravels. Cost: \$25,500. Time frame: 17 weeks. Deliverable: Gravel Installation Report. **Due date: 30 August 2010.**
5. Monitoring. The Discharger has proposed to continue post-restoration monitoring through the year 2015. However, for purposes of this SEP, the monitoring will take place for two years after the gravel augmentation. Monitoring will include fish studies (yearly, in mid-June), macroinvertebrate studies (twice a year, in June and October), water quality studies (monthly), and geomorphology studies (during storm events for the first year, and yearly thereafter). Cost: \$10,500. Time frame: 2 years. Deliverables: a description of the study results will be included in quarterly progress reports. **Due date: 30 May 2012.**
6. Final Report: Will include a summary of all tasks completed, an analysis of the success of the project in terms of habitat restoration, 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 of \$56,650. The report must be completed under penalty of perjury. Time frame: Will be submitted within 60 days of the last monitoring event. **Due date: 30 July 2012.**
7. Quarterly Progress Reports. Beginning with the third quarter 2009, quarterly progress reports will be submitted by the **tenth day of the month following the end of each quarter** (i.e., the Third Quarter 2009 progress report will be submitted by 10 October 2009, and will cover the period from 1 July through 31 September). Each progress report will describe the work completed during the quarter.