

ITEM: 20

SUBJECT: Nevada County Sanitation District No. 1., Lake of the Pines Wastewater Treatment Plant, Nevada County

BOARD ACTION: *Consideration of an Administrative Civil Liability Order*

BACKGROUND: The Assistant Executive Officer has issued an Administrative Civil Liability (ACL) Complaint, pursuant to California Water Code (CWC) sections 13323 and 13385, to the Nevada County Sanitation District No. 1, Lake of the Pines Wastewater Treatment Plant, alleging that the facility has violated effluent limits contained in its Waste Discharge Requirements. The Complaint proposes that mandatory minimum penalties in the amount of \$129,000 be imposed pursuant to CWC sections 13385(h) and (i). The Discharger has requested a hearing before the Central Valley Water Board.

ISSUES The Nevada County Sanitation District No. 1 recently completed a \$22 million upgrade of its Lake of the Pines wastewater treatment plant, which is designed to bring the facility into compliance with its NPDES permit. In the process of preparing the ACL Complaint, prosecution staff consulted with the economist at the State Water Board to determine whether or not Lake of the Pines meets the definition of a “publicly owned treatment works serving a small community” pursuant to CWC section 13385(k)(2). If it did, then the CWC would allow the penalty be applied toward the compliance project. The economist found that the community does not meet the definition because the community’s median household income exceeds the California median household income. Although the District acknowledges that it does not meet the statutory criteria for a “publicly owned treatment works serving a small community”, it has requested that it be allowed to apply the penalty to its compliance project. Prosecution staff contends that the California Water Code does not give the Central Valley Board the discretion to approve this course of action.

RECOMMENDATION: Prosecution staff recommends that the Central Valley Water Board adopt a \$129,000 Administrative Civil Liability Order for Mandatory Minimum Penalties to the Nevada County Sanitation District No.1, Lake of the Pines Wastewater Treatment Plant. Consistent with the CWC, the Order requires that the \$129,000 be paid within 30 days of adoption.

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_ PEP \_\_\_

23/24 October 2008 Regional Water Board Meeting  
11020 Sun Center Dr. #200  
Rancho Cordova, CA 95670