

ITEM: 11

SUBJECT: River Highlands Community Services District and Gold Village Land Development LLC, Yuba County

BOARD ACTION: *Consideration of Resolution to Refer to the Attorney General to Seek Civil Liability Pursuant to Water Code Section 13350*

BACKGROUND: On 19 October 2006, the River Highlands CSD reported that its wastewater treatment plant serving the Gold Village subdivision had failed, and raw sewage from the community was being discharged to an unlined pond and to a land application area in violation of permit requirements. The Executive Officer issued Cleanup and Abatement Order No. R5-2006-0730 (CAO) to the CSD and the current landowner, Gold Village Land Development LLC, requiring that measures be taken to address the emergency. The parties have violated the CAO because discharges of improperly treated wastewater have continued to be applied to the land application area, discharges to surface waters have occurred, the discharges have caused, and threaten to continue to cause, a condition of pollution or nuisance.

California Water Code (CWC) Section 13350 includes provisions regarding civil liability, and allows the Attorney General, upon request of a Regional Water Board, to petition the superior court to impose, assess, and recover such sums. CWC Section 13350(g) requires the Regional Water Board to hold a hearing prior to requesting the Attorney General to take such action.

ISSUES: The matter has already been referred to the Attorney General for injunctive relief. Referral pursuant to CWC Section 13350 allows the Attorney General to have complete enforcement ability in this case, and may provide for a more expeditious resolution of the emergency and other violations related to the discharge.

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

15/16 March 2007  
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