

DEPARTMENT: Public Works

BY: John Ainsworth  
PHONE: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:**

Certification of the Sanitary Sewer Monitoring Plan. Requirements include monitoring, evaluation and reporting of sewer overflows to the collection systems. Treatment plants were excluded.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

We received a Notice of Violation from the State Water Resources Control Board (see Exhibit A) on July 20, 2010 for all three systems and have been working diligently since to put together a Sewer System Monitoring Plan (SSMP) for each system (see binders).

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Failure to comply with this order could result in fines of \$5,000.00 per day per collection system.

Financial Impact? ( ) Yes ( ) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Notice of Violation
Source:		2. SSMP Binders (See Clerk of the Board)
Internal Transfer		
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: 11-145 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California

By: \_\_\_\_\_  
 Deputy

CAO: *[Signature]*



# COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JIM ALLEN, CHAIR  
JANET BIBBY, VICE-CHAIR  
LEE STETSON  
LYLE TURPIN  
KEVIN CANN

DISTRICT V  
DISTRICT III  
DISTRICT I  
DISTRICT II  
DISTRICT IV



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: ALLEN TOSCHI, Public Works Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Consider Items Removed from the Consent Agenda  
RES. 11-145

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 12, 2011

#### ACTION AND VOTE:

Item 113 – Supervisor Bibby initiated discussion relative to the request, and she asked for verification that no General Fund dollars will be used. Allen Toschi, Public Works Director, and John Ainsworth, Assistant Public Works Director, responded to questions and provided input on the request. Supervisor Turpin expressed concern with the impact the costs will have on the rate payers. (M)Turpin, (S)Bibby, item 113 was approved. The motion was amended, agreeable with the maker and second, to include direction that the districts will be responsible for all costs /Ayes: Unanimous.

#### CA-113 **Public Works**

Approve the Sanitary Sewer Monitoring Plans for Coulterville, Don Pedro, and Yosemite West Sanitary Sewer Districts; Res. 11-145, with direction that the districts will be responsible for all costs.

Cc: Supervisor Bibby  
File

# State Water Resources Control Board

Executive Office

EXHIBIT "A"



Linda S. Adams  
Secretary for  
Environmental Protection

Charles R. Hoppin, Chairman  
1001 I Street • Sacramento, California 95814 • (916) 341-5603  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

July 20, 2010

WDID#: 5SSO11326

Dana Hertfelder  
Mariposa County DPW  
4639 Ben Hur Rd  
Mariposa, CA 95338

JUL 21 2010

**SUBJECT: NOTICE OF VIOLATION AND CALIFORNIA WATER CODE SECTION 13267 ORDER TO SUBMIT TECHNICAL REPORTS FOR MARIPOSA COUNTY DPW, MARIPOSA, CA**

This letter is issued pursuant to Statewide General Waste Discharge Requirements for Sanitary Sewer Systems – Water Quality Order No. 2006-0003-DWQ (Sanitary Sewer Systems WDR)<sup>71</sup>, its related Monitoring and Reporting Program Order No. 2008-0002-EXEC<sup>72</sup>, and California Water Code (CWC) sections 13260, 13263, and 13267. This letter identifies Sanitary Sewer Systems WDR violations related to your sanitary sewer collection system and requires you to submit technical information to the State Water Resources Control Board (State Water Board) to address the violations.

The Sanitary Sewer Systems WDR requires all public agencies that own or operate a sanitary sewer system comprised of more than one mile of pipes that convey wastewater to a publicly owned treatment facility to apply for coverage under the Sanitary Sewer Systems WDR. These public agencies are required to file a Notice of Intent to Comply with the Terms of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (NOI) for each individual sanitary sewer collection system owned or operated by the public agency. The deadline for enrollment was November 2, 2006. Our records indicate that your agency, the Mariposa County DPW, filed an NOI with the State Water Board and enrolled the following sanitary sewer collection system in the Sanitary Sewer Systems WDR: Mariposa County Don Pedro Sewer Zone 1 CS, 5SSO11326.

All enrollees must use the online California Integrated Water Quality System (CIWQS) database to enter facility and organizational information. Enrollees must also enter details of all sanitary sewer overflows (SSOs). For any calendar month(s) without SSOs, enrollees must enter "No-Spill" certifications. The CIWQS database, a users guide, and additional information is located at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/). The CIWQS help center

<sup>71</sup> Available at: <http://www.waterboards.ca.gov/sso/index.html>

<sup>72</sup> Available at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2008/wqo/wqo2008\\_0002\\_exec.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2008/wqo/wqo2008_0002_exec.pdf)

contact information for the SSO Reduction Program can be obtained at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/chc\\_sso.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_sso.shtml).

## NOTICE OF VIOLATION

The State Water Board has determined that the Mariposa County DPW violated the Sanitary Sewer Systems WDR for Mariposa County Don Pedro Sewer Zone 1 CS, 5SSO11326 by:

1. Failing to timely certify any of the required Sewer System Management Plan (SSMP) elements in CIWQS (See Sanitary Sewer Systems WDR page 15, section D, provisions 14 and 15). Your agency failed to certify that their governing board approved at a public meeting their SSMP and program to implement the SSMP.
2. Failing to complete and annually update the "Collection System Questionnaire" (See Sanitary Sewer Systems WDR page 18, section G, provision 3)
3. Failing to provide any of the elements required under the Sanitary Sewer Systems WDR, Monitoring and Reporting Program (MRP), No. 2008-0002-EXEC (See Sanitary Sewer Systems WDR page 18, section G). Your agency failed to report monthly "No-Spill" certifications or enter SSO spill reports and certify them via the online CIWQS database.

## CWC SECTION 13267 ORDER FOR TECHNICAL INFORMATION

Pursuant to CWC section 13267, you are required to submit the technical reports described below. State Water Board staff needs this information to address any discharges from your sanitary sewer collection system facilities and assess the environmental impacts of any past discharges into waters of the State. Based on the nature and possible consequences of the discharge(s), we have determined that the burden, including the cost, of submitting this information bears a reasonable relationship to the need for the information and the benefits to be obtained.

### 1) Compliance Plan

**Compliance Date:** 8/19/2010

You are required to provide a written Compliance Plan to the State Water Board describing how your agency has resolved or will resolve the above violations alleged in this NOV and Order to Submit Technical Reports for *Mariposa County Don Pedro Sewer Zone 1 CS, 5SSO11326* owned and/or operated by your agency.

### 2) Update and Maintain CIWQS Reports

**Compliance Date:** 10/18/2010

The Sanitary Sewer Systems WDR and this Order to Submit Technical Reports require you to submit the following information into the CIWQS database for Mariposa County Don Pedro Sewer Zone 1 CS, 5SSO11326:

- 1) Historic SSO reports dating back to 5/2/2007;

- 2) Historic "No Spill Certifications" for months when your collection system did not have any SSOs dating back to 5/2/2007;
- 3) Complete the "Collection System Questionnaire" and update it at least every 12 months;
- 4) Complete certification of all required Sewer System Management Plan (SSMP) elements.

### 3) Return to Compliance

**Compliance Date:** 11/17/2010

You are required to provide a written letter to the State Water Board when you have returned to compliance.

The State Water Board staff and Executive Director will review and approve or reject your Compliance Plan and CIWQS reports to determine if you are taking appropriate measures to address these violations and will assess the need for further enforcement action. The Compliance Plan and any written correspondence pertaining to this matter shall be directed to the following address:

State Water Resources Control Board, Division of Water Quality  
Attention: SSO Reduction Program Staff  
1001 I Street, 15<sup>th</sup> Floor, Sacramento, CA 95814

Failure to comply with this Order to Submit Technical Reports or with the Sanitary Sewer Systems WDR may subject you to civil liability. If you violate any waste discharge requirements, or monitoring requirements provided for in the Sanitary Sewer Systems WDR, you may be liable to pay up to \$5,000 a day or \$10 per gallon of discharge not cleaned up over 1,000 gallons. (CWC section 13350.) If the violation is associated with a discharge to a water of the United States, your potential liability will increase to \$10,000 a day and \$10 per gallon of discharge not cleaned up over 1,000 gallons. (CWC section 13385.) In addition, if you violate this Order to Submit Technical Reports, you will be liable for an additional \$1,000 per day of violation. (CWC section 13268.) The State Water Board may refer the matter to the Attorney General or District Attorney for other civil and/or criminal liabilities.

The State Water Board staff has determined pursuant to CWC section 13267(f) that this enforcement action will not duplicate the efforts of the Regional Water Board.

Any person affected by this action of the State Water Board may request reconsideration before the State Water Board. The Executive Director may elect to hold an informal hearing or a "paper hearing" in lieu of scheduling a hearing before the State Water Board itself. Please consider the following carefully:

- a. The State Water Board must receive your request within **30 calendar days** of the date of this Order.

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*California Environmental Protection Agency*

- b. Your request must include all comments, technical analysis, documents, reports, and other evidence that you wish to submit for reconsideration of this Order. However, please note that the administrative record will include all materials the State Water Board has previously received regarding this matter. You are not required to submit documents that are already in the record.
- c. The Executive Director or State Water Board may deny your request for reconsideration after reviewing the administrative record.
- d. If you do not make a request for reconsideration, the State Water Board may prevent you from submitting new evidence to support a reconsideration of this Order.
- e. Your request for reconsideration, if you submit one, does not stay the effective date of the Order, whether or not a hearing is scheduled.

For Sanitary Sewer Systems WDR questions or to request reconsideration of this Order, please contact V. Lopez at (916) 323-5511 ([vlopez@waterboards.ca.gov](mailto:vlopez@waterboards.ca.gov)).

Sincerely,



Dorothy Rice  
Executive Director

cc: Pamela Creedon, RB Executive Officer  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

RB SSO Program Contacts:

Lonnie Wass  
Supervising Water Resources Control Engineer  
1685 "E" Street, Suite 100  
Fresno, CA 93706-2007

Reed Sato  
Director, Office of Enforcement  
State Water Resources Control Board  
1001 "I" Street  
P.O. Box 100  
Sacramento, California 95812

