



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Dec 03, 2003

CERTIFIED MAIL 7000 0520 0021 6108 9977
RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-307-9-04-012

Thomas Miller, Director
Placer County, Department of Facility Services
11476 C Avenue
Auburn, California 95603-2702

Dear Mr. Miller:

The enclosed Administrative Order sets a time schedule for obtaining an approved pretreatment program. The details of the work that this Order requires were first discussed with your staff during our pretreatment performance evaluation last summer. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-307-9-04-012
01/01/04	1-4. Begin two years of added monthly self-monitoring of the influent, effluent, and receiving water.
02/28/04	5. Submit a response to the attached inspection report.
12/28/04	6. Submit a written description of the pretreatment program for approval
* * *	7. Adopt local limits and ordinance within 60 days of obtaining approval
* * *	8. Issue all pending permits within 180 days of obtaining approval
* * *	9. Self-monitoring reports are due on the 28th day of each month for the samples collected during the previous calendar month.
03/28/04 06/28/04 09/28/04	10. Submit quarterly progress reports

The enclosed Finding of Violation and Administrative Order is issued pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act (the Act) as amended [33 U.S.C. Sections 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)]. Any violation of the terms of this Administrative Order could subject Placer County to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. Section 1319(b)] and/or penalties under

Section 309(d) of the Act [33 U.S.C. Section 1319(d)] of up to \$31,500 per day of violation. In addition, under Section 309(g) of the Act [33 U.S.C. Section 1319(g)], any violation of the requirements in the NPDES permits could also subject Placer County to an administrative penalty action of up to \$12,000 per day of violation not to exceed \$157,500. Sections 309(c)(1), (c)(2) and (c)(4) of the Act [33 U.S.C. Section 1319(c)(1), (c)(2) and (c)(4)] also provide penalties for negligent violations, knowing violations and knowingly making false statements.

The Finding of Violation is based on our November 2003 pretreatment performance evaluation. The evaluation involved inspections and sampling of the wastewater treatment plant and the significant industrial users, as well as our review of Placer County's self-monitoring and pretreatment records. The inspection report is attached and is by reference made a part of this Finding of Violation and Administrative Order.

The request for information included in this Administrative Order is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an information collection request within the meaning of 44 U.S.C. Sections 3502(4), 3502(11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [44 U.S.C. Section 3502(4), 3502(11) and 5 CFR Section 1320.5(a)].

EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B and in the Federal Register at 41 F.R. 36902 (September 1, 1976) and 43 F.R. 40000 (September 8, 1978). A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Placer County may not withhold from EPA any information on the grounds that it is confidential.

If you have any questions regarding this matter, please contact Greg V. Arthur of my staff at (415) 972-3504 or at arthur.greg@epa.gov.

Sincerely,

*Original signed by:
Alexis Strauss*

Alexis Strauss
Director, Water Division

Enclosure

cc: Ed Wydra, Placer County
Beth Thayer, RWQCB-Sacramento



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901**

Jun 09, 2004

Jim Durfee
Assistant Director
Placer County, Department of Facility Services
11476 C Avenue
Auburn, California 95603-2702

Re: Modification of Compliance Deadlines in the EPA Administrative Order

Dear Mr. Durfee:

This letter confirms the meeting on March 30, 2004 concerning the compliance deadlines in our December 9, 2003 Administrative Order (No. CWA-307-9-04-012) issued to Placer County. The Order requires the County to obtain an approved pretreatment program.

In order to allow the County to complete the work under a full budget cycle, the compliance deadline to submit a written description of the pretreatment program as required under Item 6 of the Order is hereby extended to June 28, 2005. In addition, item 10 of the Order is also modified to require the submission of additional quarterly progress reports on December 28, 2004 and March 28, 2005. Otherwise the Order remains in effect as issued.

Thank you for your cooperation. Please do not hesitate to call Greg V. Arthur of my staff at (415) 972-3504 or e-mail Arthur.greg@epa.gov.

Sincerely,

*Original signed by:
Joel Jones for Alexis Strauss*

Alexis Strauss
Director, Water Division

cc: Kyle Erikson, RWQCB

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
Placer County)	
Sewer Maintenance District No.1 WWTP)	FINDING OF VIOLATION
Pretreatment Program)	
)	AND ORDER
Proceedings under Section 308(a) and 309(a)(3),)	
(a)(4) and (a)(5)(A) of the Clean Water Act, as)	Docket No. CWA-307-9-04-012
amended, 33 U.S.C. Section 1318(a) and)	
1319(a)(3), (a)(4) and (a)(5)(A))	

STATUTORY AUTHORITY

The following Finding of Violation and Order (Docket No. CWA-307-9-04-012) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act [33 U.S.C. Sections 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)] (hereinafter the Act). This authority has been delegated by the Administrator and Regional Administrator of EPA Region 9 to the Director of the Water Division of EPA Region 9.

FINDING OF VIOLATION

The Director of the Water Division of EPA Region 9 finds that Placer County is in violation of the permit conditions and effluent limits in the National Pollutant Discharge Elimination System (NPDES) permit issued to the Placer County Sewer Maintenance District No.1 (SMD-1). This Finding is made on the basis of the following facts:

1. The California Regional Water Quality Control Board, Central Valley Region (RWQCB), under the authority of Section 402(b) of the Act, as amended [33 U.S.C. Section 1342(b)], issued NPDES permit No. CA0079316 in RWQCB Waste Discharge

Requirements Order No. 97-113 to Placer County on June 20, 1997 to become effective on that date, and set to expire on June 1, 2002. The permit is considered to be administratively extended and in effect beyond June 1, 2002 because Placer County submitted its application for renewal in advance of the permit expiration date. This permit authorizes the discharge of treated domestic wastewater from the Placer County SMD-1 Wastewater Treatment Plant into Rock Creek, a tributary to Dry Creek.

2. Rock Creek and Dry Creek are waters of the United States as defined by the Act and its implementing regulations [33 U.S.C. Section 1362(7); 40 CFR 122.2].
3. Under Section 402(a) of the Act [33 U.S.C. Section 1342(a)], EPA promulgated the NPDES permit regulations in 40 CFR 122 that apply to owners or operators of point sources that discharge of pollutants into waters of the United States. Placer County is the owner and operator of the Placer County SMD-1 Wastewater Treatment Plant, and thus qualifies as a discharger of pollutants from a point source into waters of the United States.
4. Under Section 307(b) of the Act [33 U.S.C. Section 1317(b)], EPA promulgated the general pretreatment regulations in 40 CFR 403 that apply to Publicly Owned Treatment Works (POTWs) as well as to the non-domestic users that discharge their wastewater into the POTWs. The sewer collection system and wastewater treatment plant serving Placer County SMD-1 qualify Placer County as a POTW within the meaning of Section 307(b) of the Act [33 U.S.C. Section 1317(b)] and the Federal pretreatment regulations in 40 CFR 403.3(o).
5. Condition E.11 of NPDES permit No. CA0079316 required Placer County to implement the legal authorities, programs, and controls necessary to ensure that indirect discharges

dd not introduce pollutants into the sewers that either flow through the system to the receiving waters, or inhibit or disrupt the treatment works.

6. Condition E.9 of NPDES permit No. CA0079316 required Placer County to file a Report of Waste Discharge as the application for renewal of the NPDES permit before the permit expired. The NPDES permit regulations regarding permit applications specifies the following conditions and definitions in 40 CFR 122.21:
 - a. The discharger shall submit a complete application, 40 CFR 122.21(a);
 - b. A permit application is complete when the RWQCB receives an application form and any supplemental information completed to its satisfaction, 40 CFR 122.21(e).
7. Standard Form A (EPA Form 7550-22 (7-73) was used as the NPDES permit application for municipal wastewater treatment plants in 1996. Standard Form A included Section IV for the disclosure of industrial waste contributions to municipal systems. Section IV required the disclosure of the names, SIC codes, production, flow, pretreatment-in-place, and wastewater characteristics, of all Amajor contributing facilities@, which are defined in the instructions for Section IV as the industries that have or could have a Asignificant impact on a municipal wastewater treatment plant or the effluent@. The instructions for Section IV further define some of the industries that have or could have significant impact as those with large flows over 50,000 gallons per day or with toxic material in their discharges.
8. On November 21, 2003, EPA completed a pretreatment performance evaluation of the regulatory control of non-domestic wastewaters discharged into the Placer County SMD-1 wastewater treatment plant. This evaluation consisted of the following:

- a. On May 8, 2003, a compliance sampling inspection of the Placer County SMD-1 wastewater treatment plant;
 - b. On May 14, and July 22, 2003, additional sampling of the Placer County SMD-1 wastewater treatment plant;
 - c. On May 7, May 8, and May 14, 2003, compliance sampling or compliance evaluation inspections of four significant industrial users (*Carpenter Advanced Ceramics, Coherent Auburn Group, Sierra Plating, and Advanced Metal Finishing*) and walk-through compliance evaluation inspections of six other industries (*Boardtronics, Ceronix, Custom Powder Coating, Quality Metals Fabrication, Surface Manufacturing, and Vian Enterprise*);
 - d. A review of Placer County's 2002-2003 self-monitoring record for the Placer County SMD-1 wastewater treatment plant discharges and sludge disposal;
 - e. On-site interview with representatives of Placer County and the review of the pretreatment program documentation.
9. Placer County violated Condition E.9 of NPDES permit No. CA0079316 in that during the pretreatment program evaluation completed on November 21, 2003, EPA determined the permit application to be incomplete in the follow way:
- a. The permit application submitted by Placer County on December 24, 1996 reported no major contributing facilities on Section IV of Standard Form A;
 - b. EPA determined that Sierra Plating, formerly known as K & M Plating, a job-shop metal finisher subject to the Federal metal finishing standards in 40 CFR 433, and in business in 1996, qualified as a major contributing facility because it could have a significant impact on the treatment works. Sierra Plating had the capability

to discharge the solutions and rinses from alkaline soaping, alkaline etching, acid desmut, sulfuric-acid anodizing, nickel-acetate sealing, nitric-acid etching, chromium stripping, chromium conversion coating, and numerous dye operations, to the sewers without treatment. The discharge of the solutions and rinses with chromium, aluminum, nickel, and cyanide would constitute the introduction of toxic materials into the sewer. The discharge of the solutions and rinses that are acidic in nature constitute a threat of concrete degradation in the collection system;

- c. EPA determined that Carpenter Advanced Ceramics, a specialty ceramics manufacturer subject to the Federal metal finishing standards in 40 CFR 433, and in business in 1996, qualified as a major contributing facility because it could have a significant impact on the treatment works. Carpenter had the capability to discharge nickel and electroless nickel plating solutions or their rinses, and did discharge alumina-based ceramic slurry and contact wash water to the sewers without treatment. The discharge of wastewaters with aluminum and nickel would constitute the introduction of toxic materials into the sewer;
- d. EPA determined that Coherent Auburn Group, a laser glass manufacturer, in business in 1996, qualified as a major contributing facility because it could have a significant impact on the treatment works. Coherent Auburn Group has the design capacity to discharge over 50,000 gallons per day of treated alumina-based glass polishing wash down and other process wastewaters to the sewers. The discharge of wastewaters with aluminum, and manganese would constitute also the introduction of toxic materials into the sewers;

- e. The RWQCB could not make a determination that Section IV of Standard Form A was incomplete because Placer County reported ANone@ on the form where the names of the major contributing facilities were to be identified;
 - f. Without the disclosure of the major contributing facilities on Section IV of Schedule A, the RWQCB could not make a determination to include in the NPDES permit, (1) the pretreatment program provisions and (2) the effluent limits, receiving water limits.
10. Placer County violated Condition E.11 of NPDES permit No. CA0079316 in that during the pretreatment program evaluation completed on November 21, 2003, EPA determined that the Placer County local limits in its sewer use ordinance were not protective of the Placer County SMD-1 wastewater treatment works from the adverse impacts from non-domestic wastewater discharges. They were instead taken from the City of Roseville=s sewer use ordinance. The Roseville local limits are technically based solely on the protection of the Roseville wastewater treatment works.
11. The November 21, 2003 EPA report of the pretreatment performance evaluation of Placer County SMD-1 is attached and by reference made part of this Finding of Violation and Administrative Order.

ADMINISTRATIVE ORDER

Taking these Findings into consideration and considering the potential environmental and human health effects of the violations and all good faith efforts to comply, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to Section 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Act [33 U.S.C. Section 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)], IT IS HEREBY ORDERED that Placer County comply with the following requirements:

Self-Monitoring

1. Placer County shall self-monitor the Placer County SMD-1 wastewater treatment plant for two years from January 1, 2004 through December 31, 2005, in accordance with the following schedule:
 - a. **ONCE EACH MONTH**, Placer County shall self-monitor for the following pollutants and parameters at the following sample points:
 1. Influent @ IWD-PC1 for aluminum, manganese, copper, lead, zinc, selenium, total phosphorus, and the sampling day=s flow rate;
 2. Effluent discharge to Rock Creek @ IWD-PC2 for aluminum, manganese, copper, lead, zinc, total phosphorus, and the sampling day=s flow rate;
 3. Receiving water upstream @ Station R-1 for total phosphorus;
 4. Receiving water downstream @ Station R-2 for total phosphorus;

The sample points are as designated in the November 21, 2003 EPA inspection report and in the June 20, 1997 NPDES permit.

- a. **ONCE EVERY SIX MONTHS**, the Placer County shall self-monitor the following pollutants and parameters at the following sample points:
1. Influent @ IWD-PC1 for MTBE;
 2. Effluent for discharge to Rock Creek @ IWD-PC2 for MTBE;
2. Placer County shall self-monitor and analyze using the sampling protocols and EPA approved analytical methods (or equivalent) to achieve the listed detection limits indicated below:

Parameter	Sampling Protocol <u>a/</u>	Detection Limit
flow rate	flow meter	-
total aluminum	24-hour flow-weighted composite	1 ug/l
total copper	24-hour flow-weighted composite	0.2 ug/l
total lead	24-hour flow-weighted composite	0.2 ug/l
total manganese	24-hour flow-weighted composite	1 ug/l
total phosphorus	24-hour flow-weighted composite	10 ug/l
total selenium	24-hour flow-weighted composite	1 ug/l
total zinc	24-hour flow-weighted composite	1 ug/l
MTBE	grab	0.1 ug/l

a/ Grab samples may be collected for the samples collected from the receiving waters.

3. Samples collected as required by the self-monitoring provisions of the NPDES permits may take the place of samples required by this Order as long as they are equivalent to the requirements in this Order in sample location, sampling protocol (24-hour composite or grab), and analytical detection limit.
4. For each sample, Placer County shall record the sample results, the EPA analytical methods used, the date, time and sample location, sampling protocol (24-hour composite or grab), and the name of the laboratory used.

Pretreatment Program Approval

5. By **FEBRUARY 28, 2004**, Placer County shall submit a response to each of the numbered Sections 2.0 through 8.0 of the November 21, 2003 EPA inspection report.
6. By **DECEMBER 28, 2004**, Placer County shall submit for review a written description of the pretreatment program. The written description of the pretreatment program shall consist of the following chapters:

- a. **Chapter 1 - Organization and Multi-jurisdiction Implementation**

This chapter would describe the overall program structure as well as contain descriptions of the treatment plant, collection system, reclaim systems (if any) and the service area including political boundaries. This chapter also should describe the changes in the treatment plant configurations expected in order to comply with the Waste Discharge Requirements regarding ammonia and nitrates.

- b. **Chapter 2 - Legal Authority**

This chapter would contain a revised sewer use ordinance and all multi-jurisdictional agreements. The sewer use ordinance would necessarily be submitted as a final draft ready for adoption and implementation pending approval of the local limits by either EPA or the RWQCB.

- c. **Chapter 3 - Local Limits**

This chapter would contain the technical basis for the local limits. This would include the analyses necessary to determine the maximum headworks loadings for the wastewater treatment plant and the maximum pollutant levels protective of the collection system, as well as the method of allocating allowable loadings to the users, a schedule of public hearings and outreach, and the ordinance adoption

procedures. This chapter must contain a survey quantifying the aluminum and manganese sources, both domestic and non-domestic, and an overall control strategy for minimizing aluminum and manganese loadings into the wastewater treatment plant. This chapter must also contain any additional self-monitoring necessary to determine whether alachlor, atrazine, endosulfans, dioxin, heptachlor epoxide, aroclor-1016, aroclor-1221, and aroclor-1260 are present at levels over their detection limits. The local limits can be numerical concentrations, loading limits, prohibitions or control strategies.

d. **Chapter 4 - Identification of Non-domestic Users**

This chapter would contain the procedures used in an initial industrial user survey as well as the procedures to be used for on-going updates. This chapter would also include the results of an initial inventory of industrial users, by non-domestic sewer connection, and of the zero-discharging categorical industrial users who comply with their Federal standards by not discharging process wastewaters. The inventory must indicate the following for each industrial user and zero-discharging categorical industrial user:

1. Whether it qualifies as a significant industrial user;
2. The average and peak flow rates;
3. The SIC code;
4. The pretreatment-in-place, and;
5. The local permit status.

e. **Chapter 5 - Permits and Fact Sheets**

This chapter would describe the permitting procedures and include a fact sheet

and the final draft permit for each significant industrial user to be issued upon approval of the local limits and revised ordinance by either EPA or the RWQCB.

The fact sheets must indicate the following for each significant industrial user and zero-discharging categorical industrial user:

1. The industry name, address, owner or plant manager;
2. The permit expiration date (not to exceed five years in duration);
3. A description of the facility including the products made or services provided, building names, the process in each building, and when current operations began;
4. The identification of each sewer connection;
5. A description of the contributing waste streams that comprise each identified non-domestic discharge into the sewers;
6. The pretreatment-in-place for each identified non-domestic discharge to the sewers;
7. The classification by Federal point source category and the reasons justifying this classification;
8. The applicable Federal categorical pretreatment standards (adjusted if necessary to account for dilution), supporting production data (if necessary), and the compliance sampling point(s) where the standards apply;
9. The pollutants of concern and the compliance sampling point(s) where the local limits apply;

10. A site map indicating the locations of all compliance sampling point(s), sewer connections, and sewer laterals;
11. The sampling frequency by regulated pollutant for each compliance sampling point, and the supporting statistical rationale, to ensure that the sampling is representative of the wastewater discharge variabilities over the reporting period;
12. The sampling protocol by regulated pollutant for each compliance sampling point to ensure that the samples collected to determine compliance with Federal standards are representative of the sampling day=s discharge.

f. **Chapter 6 - Compliance Monitoring**

This chapter would describe the industrial user self-monitoring program and Placer County=s oversight monitoring program. The compliance monitoring program must ensure that all sampling is representative over the reporting period and that each sample collected to determine compliance with Federal standards is representative of the sampling day=s discharge. The compliance monitoring program must also set analytical detection limits that are sufficiently below Federal standards and local limits to allow the determination of non-compliance.

g. **Chapter 7 - Enforcement**

This chapter would establish the enforcement response plan to be used to address, at a minimum, each of the following types of violations:

1. Isolated and chronic violations of permit effluent limits;

2. Violations of permit effluent limits that result in any adverse impacts upon the treatment works such as pass-through, interference, sludge contamination, sewer line degradation, explosive or inflammability risks, or worker health and safety risks;
3. The bypassing of pretreatment necessary to comply with permit effluent limits;
4. Dilution as a substitute for treatment necessary to comply with Federal categorical pretreatment standards;
5. The bypassing of compliance sampling or the tampering with sampling equipment;
6. Failure to monitor or report;
7. Willful or negligent violations.

h. Chapter 8 - Resources

This chapter would cover the budget, staffing and equipment needs of the pretreatment program.

i. Chapter 9 - Public Participation and Confidentiality

This chapter would describe the administrative procedures required under 40 CFR 403.8(f)(1)(vii) and 403.8(f)(2)(vii).

The requirements outlined above in items 6(a) through 6(i) are explained in more detail in the November 21, 2003 EPA inspection report for Placer County.

7. **SIXTY DAYS AFTER RECEIVING APPROVAL** of its ordinance and local limits, Placer County shall adopt and implement its ordinance.

8. **ONE HUNDRED AND EIGHTY DAYS AFTER RECEIVING APPROVAL** of its ordinance and local limits, Placer County shall issue all pending permits to its significant industrial users.

Submissions

9. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, Placer County shall submit all self-monitoring results required by this Order for the previous month. The first monthly report is due on February 28, 2004 for the January 2004 self-monitoring. The 24th-and-last monthly report is due on January 28, 2006 for the December 2005 self-monitoring.
10. By **MARCH 28, 2004, JUNE 28, 2004, and SEPTEMBER 28, 2004**, Placer County shall submit a quarterly progress report that outlines the actions that have been completed in preparing for submission the written description of the pretreatment program as required by Item 6 of this Order.
11. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Placer County and shall include the following self-certifying statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that all wastewater samples analyzed and reported herein are representative of the ordinary process wastewater flow from this facility. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
12. This Order is not and shall not be interpreted to be an NPDES permit under Section 402 of the Act [33 U.S.C. Section 1342], nor shall it in any way relieve Placer County of

obligations imposed by the Act, or any other Federal or State law. The request for information included in this Order is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an information collection request within the meaning of 44 U.S.C. Sections 3502(4), 3502(11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [44 U.S.C. Sections 3502(4) and 3502 (11) and 5 CFR Section 1320.5(a)].

13. All submissions shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, California 94105
Attn: Greg V. Arthur (WTR-7)

REGIONAL WATER QUALITY CONTROL BOARD
11020 Sun Center Drive, No.200
Rancho Cordova, California 95670
Attn: Beth Thayer

14. This Order takes effect upon signature.

Original signed by: Alexis Strauss

Dec 03, 2003

Alexis Strauss
Director, Water Division

Dated