

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2007- 0005**

AUTHORIZATION TO ALLOCATE \$1,000,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CENTRAL VALLEY REGIONAL WATER BOARD) FOR WORK AT THE RIVER HIGHLANDS COMMUNITY SERVICES DISTRICT (DISTRICT) TREATMENT PLANT IN YUBA COUNTY

WHEREAS:

1. The Central Valley Regional Water Board is requesting authorization to expend up to \$1,000,000 in conjunction with Yuba County to respond to the emergency at the District's sewage treatment plant.
2. The District serves an 84 home subdivision in Smartville, Yuba County.
3. The District's treatment plant has failed, and requires replacement.
4. Raw sewage is currently being pumped from the collection system into an unlined pond. It is then sprayed onto land in violation of Waste Discharge Requirements issued by the Central Valley Regional Water Board. The untreated water has been found to be seeping into a drainage course that is tributary to the Yuba River, and with the onset of seasonal rains, it is expected that raw sewage will be discharged to surface waters.
5. The Division of Financial Assistance, under a standing delegation from the State Water Resources Control Board (State Water Board), earlier approved \$100,000 for emergency repairs at the plant and other emergency response actions. It has since been determined that the plant is not repairable.
6. Under Water Code section 13442, a public agency with authority to clean up waste or abate the effects of the waste may obtain money from the CAA to assist in cleaning up the waste or abating its effects on waters of the state; however, section 13442 shall not be any defense to an action, including a cost recovery action, brought pursuant to Water Code section 13304.
7. The current request is for additional funds to design, purchase, and install a manufactured treatment plant and take any other actions necessary to cleanup the waste and abate the effects of the waste resulting from the discharge of raw sewage to land and potentially to surface waters.
8. The Central Valley Regional Water Board does not have resources to perform this work. At this time, no financially viable responsible parties appear to exist.
9. The Yuba County Office of Emergency Services will administer the funds and oversee the project under agreement with the Central Valley Regional Water Board.

10. As allowed by Water Code section 13304, the State Water Board may seek to recover funds allocated from the CAA from persons identified as responsible for the discharges or threatened discharges of waste that the funds are used to address.

THEREFORE BE IT RESOLVED THAT:

The State Water Board approves \$1,000,000 from the Cleanup and Abatement Account for work at the River Highlands Community Services District treatment plant provided that no money shall be expended until the Executive Director establishes a cost recovery and sustainable operation and maintenance funding plan that provides the State Water Resources Control Board with reasonable assurance that the expended funds will be repaid to the CAA within a reasonable time frame.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 20, 2007.

AYE: Tam M. Doduc
Gary Wolff, P.E., Ph.D.
Arthur G. Baggett, Jr.
Charles R. Hoppin

NO: None

ABSENT: None

ABSTAIN: None



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Clerk to the Board