



For Immediate Release
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Group Issues Notice to Sue EID over Alleged Wastewater Treatment Plant Violations and Sewage Spills

Placerville, CA . . . On October 28, 2009, the California Sportfishing Protection Alliance (CPSA) announced it had issued a 60-day notice of intent to sue El Dorado Irrigation District.

The announcement, which said CSPA is filing the lawsuit under the federal Clean Water Act, claims the district's "municipal sanitary sewer collection and treatment system has violated effluent, monitoring and reporting requirements of its wastewater permits and illegally allowed egregious quantities of raw sewage to overflow into city streets and the storm water collection system and thence to local creeks, the Cosumnes River and Delta."

"The picture CSPA paints of raw sewage running down city streets and storm drains in the communities we serve is ridiculous," said EID general manager Jim Abercrombie. "Like every agency that collects and treats sewage, we have had some accidental spills, leaks, and discharges. And as required by the state, we report all such incidents. In fact, our practice is to 'over-report.' We also sampled and tested seven days a week for some constituents that the state only requires be reported five days a week."

"Our crews work hard to prevent spills and are quick to respond if one occurs," he added. "To the best of my knowledge, no resident has been injured or gotten sick from a spill or discharge. And when accidents happen, we comply with all required environmental mitigation."

Abercrombie said that the district is analyzing CSPA's notice of intent to sue and that some of the CSPA allegations about the number of wastewater treatment plant violations and the severity of leaks and spills appear to be inaccurate. "We have responsibility not only for large force mains that collect and move sewage, but also for smaller lateral lines to residences and commercial buildings," he explained. "The majority of leaks and spills in our service area are less than ten gallons in volume. Many of them are confined to customer premises and never reach the environment."

Abercrombie also said that the district has active programs and construction plans in place to repair and replace the aging infrastructure that causes most of the incidents and that EID follows industry best practices in operating the wastewater collections and treatment systems. "CSPA may not be aware of our actions, but right now we're replacing more than a mile of our force main along Mother Lode Drive and 1800 feet of the force main along Durock Road at a cost of about two million dollars," he said. "Since 2000, we've spent close to a hundred and eight million dollars to upgrade our wastewater treatment plants and replace or repair our collection lines.

"I'm more than willing to sit down with CSPA and go over their claims, our practices, and the many improvements we're making to our system, and that's exactly what the EID board has directed me to do."

EID general counsel Tom Cumpston noted that CSPA filed a similar lawsuit against the City of Stockton. In that case, the settlement agreement forced the city to pay hefty fees to CSPA and its lawyers and to commit to an overhaul of the Stockton sewage treatment and collection system to be overseen by CSPA.

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“As our general manager says, we already have active programs and a capital improvement plan in place,” Cumpston said. “But the standard for proving allegations under the Clean Water Act is very low. Essentially, the complaining parties may well prevail if they simply show that incidents have occurred and may occur in the future.

“We’re not made of money. If CSPA follows through with the lawsuit and wins, it would put a significant additional strain on EID’s finances and operating budget as well as our customers’ pocketbooks.”

Cumpston said this is the third CSPA lawsuit since 2006 involving the district’s wastewater facilities or permits. “Right now,” he said, “we’re a ‘real party of interest’ in a CSPA lawsuit filed two months ago against the Central Valley Regional Water Quality Control Board over the water-quality permit the board approved late last year for our Deer Creek wastewater treatment plant.

“And in 2006, CSPA sued the State Water Resources Control Board over amendments to the Cosumnes River Basin Plan that related to our Deer Creek operations. CSPA lost that lawsuit in early 2008 when the San Francisco Superior Court validated the record of scientific evidence we built for nine years with our partners.”

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