



Summary of the May 24, 2010 EID Board Meeting

El Dorado Irrigation District — serving people, agriculture, businesses, and the environment in El Dorado County since 1925

For Immediate Release

May 25, 2010

EID Reaches Settlement Agreement with CSPA Board Decision Follows Staff Report on the District's Sewer Systems

Placerville, CA... During their May 24 meeting, the El Dorado Irrigation District (district) board of directors voted yes on an agreement negotiated with the California Sportfishing Protection Alliance (CSPA). The agreement settles a lawsuit that CSPA filed in January against the district for alleged violations—sewer spills—of the federal Clean Water Act. Details of the settlement will be released after all parties sign it, most likely later this week.

“Without getting into the confidential details of the settlement discussions, I think it is reasonable to project that all told, including defense costs, settling this lawsuit will cost the District more than a quarter of a million dollars,” said Tom Cumpston, the district’s general counsel. “That equals about \$15 per wastewater account.”

No matter how good a sewer program is, “if an agency is sued under the Clean Water Act, the agency will lose,” Cumpston declared, “The Act sets up a performance standard of zero sewage spills, which is impossible to meet. You can spend hundreds of millions of dollars trying to do so and still fall short. I would bet my house there is not a single agency in this state that runs a sewer program and hasn’t had any spills.”

As required by state law, the district reports all spills in its sewer systems, which include 561 miles of sewage collection pipes and 64 lift stations in hilly terrain. Plaintiffs used the reported spills in the lawsuit. “We sell the rope at ten cents a page in the form of Public Records Act requests,” Cumpston said. “The plaintiff’s attorneys tie that rope into a noose at five hundred to six hundred dollars an hour. And then we pay money to take the noose off our neck.

“Don’t get me wrong. Citizen suit provisions in the Clean Water Act exist for a good reason because there are agencies that need to clean up their acts. But what we are seeing is a cottage industry of professional plaintiffs and attorneys specializing in this sort of lawsuit and reaching settlements with districts around the state.”

Cumpston’s comments came after a report by district staff on EID’s sewage collection program. The report noted that lawsuits filed by CSPA against the cities of Stockton and Richmond found approximately 40 spills per 100 miles of pipe in Stockton and about 58 spills per 100 miles of pipe in Richmond. “In comparison, we averaged 11 spills per 100 miles in our Deer Creek and El Dorado Hills systems combined in 2008 and 10 per 100 miles in 2009,” said Elizabeth Wells, the district’s wastewater manager for engineering. “So far this year, we’re averaging just over one spill per 100 miles.

“And the overwhelming majority of spills in our systems are what the state calls ‘category 2’ spills. That means they are less than 1000 gallons and do not enter surface waters. In fact, from 2004 to the present, 53 percent of spills in the El Dorado Hills system were less than 10 gallons, as were 47 percent of spills in the older Deer Creek system.”

MORE >

Wells also reported that the majority of spills are caused by clogged pipes, with roots and grease the primary culprits. To help eliminate the causes of spills, the district has initiated an aggressive maintenance program that includes an additional truck “capable of vacuuming and flushing the pipes,” said Vickie Caulfield, the district’s wastewater manager for operations. “We are also eliminating 24-hour manned shifts at the Deer Creek wastewater treatment plant to free up personnel for the maintenance work. Our goal is to clean our 2.1 million feet of gravity-fed pipes on a five-year rotation. That means we need to work on 423,000 feet each year. With the new truck and more people on the maintenance crews, we can meet the goal.”

The board approved purchase of the truck during the meeting.

In other business, the board:

- Authorized funding for an intrusion prevention system to enhance information security and upgrades to the district’s switching system to improve system reliability—all as part of the information technology master plan.
- Met as the Engineering and Operations Standing Committee to hear updates on the dam safety program for El Dorado Project 184 and the basis of design report for the Folsom Lake intake and pump station.

* * * * *

For more information, contact Deanne Kloepfer (530-622-4513; dkloepfer@eid.org)