



Central Coast Regional Water Quality Control Board

August 27, 2024

Bradley Hagemann
General Manager
Avila Beach Community
Services District
2850 Avila Beach Drive
Avila Beach, CA 93424
Email: hagemann.associates@gmail.com

**Via Electronic Mail and Certified Mail
7020 1810 0002 0768 7478**

Dear Bradley Hagemann:

ENFORCEMENT PROGRAM: EXPEDITED PAYMENT LETTER (EPL) R3-2024-0048, ACCEPTANCE OF CONDITIONAL OFFER AND WAIVER OF HEARING EXECUTED AS ADMINISTRATIVE CIVIL LIABILITY ORDER FOR AVILA BEACH COMMUNITY SERVICES DISTRICT EFFLUENT VIOLATIONS OF WDR ORDER R3-2017-0025, WASTEWATER TREATMENT FACILITY, SAN LUIS OBISPO COUNTY, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT CA0047830, WDID 3 400101001

Enclosed is Acceptance of Conditional Offer and Waiver of Right to Hearing; Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R3-2024-0048 (Order), countersigned by the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Executive Officer. The Order resolves mandatory minimum penalties for violations of effluent limitations contained in Waste Discharge Requirements Order R3-2017-0025, National Pollutant Discharge Elimination System Permit CA0047830, that occurred from April 30, 2023, to October 7, 2023, as shown in the attached Exhibit A, notice of violation. Central Coast Water Board staff publicly noticed the Order from July 18, 2024, to August 22, 2024, and received no comments.

As provided in the Order, the Avila Beach Community Services District (District) is subject to a total expedited payment amount of \$6,000. **No later than September 26, 2024**, the District must submit payment to the State Water Resources Control Board (SWRCB) State Water Pollution Cleanup and Abatement Account by taking the following actions:¹

¹ Please note that this due date supercedes any other due date that may be shown on invoices.

1. Pay \$6,000 by check payable to “SWRCB Cleanup and Abatement Account”, noting “ACL Order R3-2024-0048” on the check, and mailed to:
 - a. Attn: ACL Payment
SWRCB Accounting Office
P.O. Box 1888
Sacramento, CA 95812-1888

2. Submit a copy of the above payment by email to Todd Stanley at todd.stanley@waterboards.ca.gov or mailed to:
 - a. Central Coast Regional Water Quality Control Board
Enforcement Unit, Attention: Todd Stanley
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

The SWRCB Division of Administrative Services Fee Branch [(916) 341-5247 or FeeBranch@waterboards.ca.gov] typically mails invoices within five business days after orders are issued, but delays are possible. If the District does not receive an invoice within 10 business days after the date of this transmittal letter, Central Coast Water Board staff advises the District to proceed with making the payment to avoid being late. Similarly, the District may simply elect to make its payment before receiving an invoice. **In either case, it is critical that the District’s check refers to the Order number as instructed in Item #1 above.** If the District elects to pay before receiving the invoice, Central Coast Water Board staff advises the District to contact the Fee Branch to confirm that the payment is posted correctly.

The District also has the option to make the payment to the State Water Pollution Cleanup and Abatement Account by online electronic fund transfer (without surcharge) or credit card (with small surcharge) but must first wait to receive the above invoice because the invoice number is needed for the transaction. After receiving the invoice, the District may then go to the Fee Branch’s “Make a Payment” website² for guidance on the available payment options.

Payment will conclude the Central Coast Water Board’s enforcement action for violations identified in Expedited Payment Letter R3-2024-0048, dated June 27, 2024, and in Enclosure 2 of this letter.

² Fee Branch payment website: https://www.waterboards.ca.gov/make_a_payment/

If you have any questions, please contact Sarah Crable sarah.crable@waterboards.ca.gov or at (805) 549-3706, or Thea Tryon at thea.tryon@waterboards.ca.gov or (805) 542-4776.

Sincerely,

Ryan E. Lodge
Executive Officer

Enclosures:

1. Acceptance of Conditional Offer and Waiver of Right to Hearing; Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R3-2024-0048
2. Exhibit A - Notice of Violation

cc via email:

Central Coast Water Board:

Thea Tryon
Tamara Anderson
Harvey Packard
Arwen Wyatt-Mair
Sarah Crable
Jesse Woodard
Todd Stanley

File Location: R:\RB3\Shared\Enforcement\ACLs\MMP ACLO from EPL Offers\2024-0048 Avila ACLO\Avila Beach WWTP MMP ACLO 24-0048 Pkg.docx

ECM Primary Indexing # 206888

**ACCEPTANCE OF CONDITIONAL OFFER
AND WAIVER OF RIGHT TO HEARING;
SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER R3-2024-0048
(UPON EXECUTION)**

Avila Beach Community Services District Wastewater Treatment Facility
EPL R3-2024-0048
Waste Discharge Requirements Order R3-2017-0025
National Pollutant Discharge Elimination System (NPDES) Permit CA0047830
WDID: 3 400101001

By signing below and returning this Acceptance of Conditional Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Avila Beach Community Services District (Permittee) hereby accepts Expedited Payment Letter R3-2024-0048 (Conditional Offer) to participate in the expedited payment program relating to violations of the Permittee's NPDES permit for the Avila Beach Wastewater Treatment Facility, and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violations described in the notice of violation (NOV) attached to the Conditional Offer as Exhibit A and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations through its enforcement staff. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as specified in the NOV (expedited payment amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV.

Expedited Payment Amount: \$6,000.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon signature by the Permittee, the Permittee must return this Acceptance and Waiver to:

Thea Tryon
Assistant Executive Officer
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Expedited Payment Letter (EPL) R3-2024-0048
Settlement Agreement and Stipulation for Entry of
Administrative Civil Liability Order R3-2024-0048

The Permittee understands that federal regulations set forth in title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of any proposed settlement of this enforcement action and provide at least 30 days for public comment. Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment prior to execution by the Executive Officer of the Central Coast Water Board.

The Permittee understands that if significant comments are received in opposition to the Conditional Offer, then the Central Coast Water Board enforcement staff's offer to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, Central Coast Water Board enforcement staff will advise the Permittee of the withdrawal, a revised offer or an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Central Coast Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

If no comments are received within the notice period that cause the Executive Officer to reconsider the Conditional Offer, the Executive Officer will execute the Acceptance and Waiver as Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R3-2024-0048 (Settlement and Order).

The Permittee understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board. The Permittee understands that after the signed Acceptance and Waiver is publicly noticed and executed by the Executive Officer of the Central Coast Water Board, Central Coast Water Board staff will transmit this Acceptance and Waiver as an executed Settlement and Order to the Permittee with payment instructions and due dates. Furthermore, the Permittee understands that full payment of the expedited payment amount by the hereby incorporated due date or dates specified in the transmittal letter and/or invoices associated with the executed Settlement and Order is a condition of this Acceptance and Waiver.

Expedited Payment Letter (EPL) R3-2024-0048
Settlement Agreement and Stipulation for Entry of
Administrative Civil Liability Order R3-2024-0048

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver and the terms of the Settlement and Order.

By: Frank Hagemann
(Signed Name)

7/16/24
(Date)

Frank Hagemann
(Printed or typed name)

General Manager
(Title)

Expedited Payment Letter (EPL) R3-2024-0048
Settlement Agreement and Stipulation for Entry of
Administrative Civil Liability Order R3-2024-0048

IT IS HEREBY ORDERED pursuant to Water Code section 13323, Government Code section 11415.60, and Resolution R3-2014-0043, on behalf of the California Regional Water Quality Control Board, Central Coast Region.

By: _____

Ryan E. Lodge
Executive Officer
Central Coast Water Board

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ECM Primary Indexing # 206888

Exhibit A – Notice of Violation
Avila Beach Community Services District Wastewater Treatment Facility
Mandatory Minimum Penalty Violations Requiring Enforcement
Alleged Violation Dates: April 30, 2023 – October 7, 2023

The enforcement staff of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) reviewed information submitted by this facility to determine whether the discharger is subject to mandatory minimum penalties (MMPs) pursuant to subdivisions (h) and (i) of California Water Code section 13385 and section 13385.1. The following table or tables list this facility’s alleged violations of Waste Discharge Requirements Order R3-2017-0025, National Pollutant Discharge Elimination System Permit CA0047830 from April 30, 2023, to October 7, 2023, for which the Central Coast Water Board has not assessed MMPs. Final calculation of MMP amounts owed and definitions of some of the terms used in this document are listed below the table.

For additional information about the alleged violations listed in the table, please refer to [the State Water Resources Control Board CIWQS Public Reports webpage](#) and select the “Mandatory Minimum Penalty (MMP) Report” link located under the “Violations Reports” category. Once in the Mandatory Minimum Penalty Reports search page, select Region 3 along with the beginning and ending dates shown in this exhibit, select Run Report, and then select your facility to access the list of violations. Expand the “Effluent MMP Violations” and/or “Late Report MMP Violations” sections of that page by selecting the “+” icon to the left of the section titles. To view details of a violation, select the “Violation ID” number. For chronic (non-serious) effluent violations, select the “Chronic” link in the “MMP Type” column of the “Effluent Limit Violations” section to see a list of the three or more violations preceding each chronic violation within 180 days and thus qualifying the chronic violation as an MMP.

Effluent MMP Violations Table

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	Serious or Non-Serious (Chronic) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
1	1123430	4/30/23	Aldrin	Group 2	Monthly Average	0.0033	0.027	µg/L	718%	S	N/A	N/A	\$ 3,000
2	1122153	10/7/23	Chlorine, Total Residual	Group 2	Daily Maximum	1.2	9.2	mg/L	667%	S	N/A	N/A	\$ 3,000

Total Penalty for Effluent Violations: \$6,000

Calculation of Total Mandatory Minimum Penalty Amount for Effluent and Late Reporting Violations:
 (2 Serious Violations + 0 Non-Serious Violations) × \$3,000 = \$6,000

For Group 2 pollutants, a violation is serious when the limit is exceeded by 20% or more. Each serious violation is subject to a mandatory minimum penalty of \$3,000.

Term	Definition
Units	µg/L = micrograms per liter
N/A	Not Applicable
CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities, as well as other data types relevant to water quality protection.

EPL R3-2024-0048 – Exhibit A
Stipulated ACL Order R3-2024-0048
Avila Beach Community Services District Wastewater Treatment Facility

Term	Definition
Violation Number	Identification number assigned to a violation in CIWQS.
Violation Date	Date that a violation occurred, with the exception that for some violation types, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date used is the day the violation was first discovered by staff, the Discharger, or a third party.
Pollutant Types: Group 1	Groups of pollutants defined in the State Water Resources Control Board Water Quality Enforcement Policy. Also referred to as Category 1 or CAT1.

File Location: R:\RB3\Enforcement\EPLs\2024-0048 Avila WWTP MMP EPL\Avila Beach WWTP MMP EPL 24-0048 Exh A NOV.docx

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