

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

COMPLAINT NO. R3-2003-050

MANDATORY PENALTY
IN THE MATTER OF
WASTE DISCHARGE REQUIREMENTS
ORDER NO. 99-31
(NPDES NO. CA 0048151)

For

CITY OF PISMO BEACH
WASTEWATER FACILITY
SAN LUIS OBISPO COUNTY

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385(h) and (i) is issued to the City of Pismo Beach (hereafter Discharger) based on a finding of violations of Waste Discharge Requirements Order No. 99-31 (NPDES No. CA0048151).

The Executive Officer finds the following:

1. On July 12, 1999, the Regional Water Quality Control Board, Central Coast Region, adopted Waste Discharge Requirements *Order No. 99-31 (NPDES No. CA0048151), Waste Discharge Requirements for the City of Pismo Beach, San Luis Obispo County.*
2. California Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation.
3. California Water Code section 13385(i) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharge does any of the following four or more times in a consecutive six-month period:
 - Exceeds a waste discharge requirement effluent limitation;
 - Fails to file a report pursuant to Section 13260;
 - Files an incomplete report pursuant to Section 13260; or
 - Exceeds a toxicity discharge limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
4. California Water Code section 13385(l) states that "(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the...[R]egional [B]oard, with the concurrence of the [D]ischarger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

Item No. 18, Attachment 2
February 6, 2004 Meeting
City of Pismo Beach

5. California Water Code section 13385(h)(2) provides a serious violation occurs if the discharge exceeds the effluent limitations for a Group II pollutant, as specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations, by 40 percent or more.
6. Biochemical Oxygen Demand (BOD, 5-day) and Total Suspended Solids are Group I Pollutants. Fecal Coliform is not listed as a Group I or a Group II Pollutant.
7. Order No. 99-31 includes in part the following:

Effluent Limitations B. 1.

Constituent	Units	Weekly (7-Day) Average	Monthly (30-Day) Average	Maximum
BOD, 5-day	mg/l	45	30	90
Total Suspended Solids	mg/l	45	30	90
Settleable Solids	mg/l	1.0	1.5	3.0
Fecal Coliform	MPN/100 ml	(7-day median) 200		

"Removal efficiencies" for Total Suspended Solids and Biochemical Oxygen Demand (BOD₅) shall not be less than 85 percent.

8. Effluent containing a BOD or Suspended Solids 30-Day average concentration of 42 mg/l (average limit + 40%) or more, or a 7-Day Average concentration of 63 mg/l (average limit + 40%) or more, or a single sample containing 126 mg/l (maximum limit + 40%) or more, are serious violations.
9. Effluent containing BOD or Suspended Solids concentrations that are less than the serious threshold but greater than the permit limits, are chronic violations when they occur four or more times in a consecutive six-month period, not counting the first three.
10. Effluent containing settleable solids 30-Day average concentration of 1.4 (Average limit +40%) or more, or a 7-Day Average concentration of 2.1 mg/l (average limit + 40%) or more, or a single sample containing 4.2 mg/l (maximum limit + 40%) or more, are serious violations.
11. Effluent containing fecal coliform values that exceed a 7-day median of 200 MPN/100 ml four or more times in a consecutive six-month period, not counting the first three, are chronic violations.
13. According to monitoring reports submitted by the Discharger, the Discharger committed the following violations of Order No. 99-31 in the period July 1, 2001 through July 31, 2003:

No.	Date	Constituent	Value	Permitted Limit	Violation Type
1	July 9, 2001	BOD Average for 7-Days	51 mg/L	45 mg/l	Serious
2	July 10, 2001	BOD Average for 7-Days	51 mg/L	45 mg/l	Serious
3	July 11, 2001	BOD Average for 7-Days	51 mg/L	45 mg/l	Serious
4	July 12, 2001	BOD Average for 7-Days	51 mg/L	45 mg/l	Serious
5	July 15, 2001	Settleable Solids for One Day	8 ml/L	3 mg/l	Serious
6	July 15, 2001	Suspended Solids for One Day	132 mg/L	90 mg/l	Serious
7	July 16, 2001	Suspended Solids for One Day	96 mg/L	90 mg/l	Serious
8	July 16, 2001	Suspended Solids 7-Day Average	51 mg/L	1.0 mg/l	Serious
9	July 16, 2001	BOD Average for 7-Days	60 mg/L	45 mg/l	Serious

No.	Date	Constituent	Value	Permitted Limit	Violation Type
10	July 17, 2001	Settleable Solids Average for 7-Days	1.63 ml/L	1.0 ml/l	Chronic
11	July 17, 2001	Suspended Solids Average for 7-Days	55 mg/L	45 mg/l	Serious
12	July 17, 2001	BOD Average for 7-Days	60 mg/L	45 mg/l	Chronic
13	July 18, 2001	Settleable Solids Average for 7-Days	1.81 ml/L	1.0 ml/l	Chronic
14	July 18, 2001	Suspended Solids Average for 7-Days	60 mg/L	45 mg/l	Chronic
15	July 18, 2001	BOD Average for 7-Days	60 mg/L	45 mg/l	Chronic
16	July 19, 2001	Settleable Solids Average for 7-Days	2.00 ml/L	1.0 ml/l	Chronic
17	July 19, 2001	Suspended Solids Average for 7-Days	64 mg/L	45 mg/l	Serious
18	July 19, 2001	BOD Average for 7-Days	70 mg/L	45 mg/l	Serious
19	July 20, 2001	Settleable Solids Average for 7-Days	2.21 ml/L	1.0 ml/l	Serious
20	July 20, 2001	Suspended Solids for One Day	124 mg/L	3 mg/l	Chronic
21	July 20, 2001	Suspended Solids Average for 7-Days	78 mg/L	45 mg/l	Serious
22	July 20, 2001	BOD Average for 7-Days	70 mg/L	45 mg/l	Serious
23	July 21, 2001	Settleable Solids Average for 7-Days	2.46 ml/L	1.0 ml/l	Serious
24	July 21, 2001	Suspended Solids Average for 7-Days	87 mg/L	45 mg/l	Serious
25	July 21, 2001	BOD Average for 7-Days	70 mg/L	45 mg/l	Serious
26	July 22, 2001	Suspended Solids Average for 7-Days	75 mg/L	45 mg/l	Serious
27	July 22, 2001	BOD Average for 7-Days	54 mg/L	45 mg/l	Chronic
28	July 23, 2001	Settleable Solids Average for 7-Days	1.60 ml/L	1.0 ml/l	Chronic
29	July 23, 2001	Settleable Solids Average for 7-Days	1.69 ml/L	1.0 ml/l	Chronic
30	July 23, 2001	Suspended Solids Average for 7-Days	66 mg/L	1.0 mg/l	Serious
31	July 24, 2001	Settleable Solids Average for 7-Days	1.60 ml/L	1.0 ml/l	Chronic
32	July 24, 2001	Suspended Solids Average for 7-Days	62 mg/L	1.0 mg/l	Chronic
33	July 25, 2001	Suspended Solids Average for 7-Days	56 mg/L	1.0 mg/l	Chronic
34	July 26, 2001	Settleable Solids for One Day	5 ml/L	3 ml/l	Serious
35	July 26, 2001	Settleable Solids Average for 7-Days	1.97 ml/L	1.0 ml/l	Chronic
36	July 26, 2001	Suspended Solids Average for 7-Days	58 mg/L	1.0 mg/l	Chronic
37	July 27, 2001	Settleable Solids for One Day	44 ml/L	3 ml/l	Serious
38	July 27, 2001	Settleable Solids Average for 7-Days	8.00 ml/L	1.0 ml/l	Serious
39	July 27, 2001	Suspended Solids for One Day	196 mg/L	90 mg/l	Serious
40	July 27, 2001	Suspended Solids Average for 7-Days	69 mg/L	45 mg/l	Chronic
41	July 28, 2001	Settleable Solids Average for 7-Days	8.00 ml/L	1.0 ml/l	Serious
42	July 28, 2001	Suspended Solids Average for 7-Days	60 mg/L	45 mg/l	Chronic

No.	Date	Constituent	Value	Permitted Limit	Violation Type
43	July 29, 2001	Settleable Solids Average for 7-Days	9.00 ml/L	1.0 ml/l	Serious
44	July 29, 2001	Suspended Solids Average for 7-Days	58 mg/L	45 mg/l	Chronic
45	July 30, 2001	Settleable Solids Average for 7-Days	8.97 ml/L	1.0 ml/l	Serious
46	July 30, 2001	Suspended Solids Average for 7-Days	58 mg/L	45 mg/l	Chronic
47	July 31, 2001	Settleable Solids Average for 30-Days	2.4 ml/L	1.0 ml/l	Serious
48	July 31, 2001	Settleable Solids for One Day	44 ml/L	3 ml/l	Serious
49	July 31, 2001	Settleable Solids Average for 7-Days	16.13 ml/L	1.0 mg/l	Serious
50	July 31, 2001	Settleable Solids Average for 30-Days	46 ml/L	30 ml/l	Serious
51	July 31, 2001	Suspended Solids for One Day	253 mg/L	90 mg/l	Serious
52	July 31, 2001	Suspended Solids Average for 7-Days	92 mg/L	45 mg/l	Serious
53	July 31, 2001	BOD Average for 30-Days	43 mg/L	30 mg/l	Serious
54	August 1, 2001	Settable Solids Average for 7-Days	16.1 ml/L	1.0 ml/l	Serious
55	August 1, 2001	Suspended Solids for One Day	172 mg/L	90 mg/l	Serious
56	August 1, 2001	Suspended Solids Average for 7-Days	114 mg/L	45 mg/l	Serious
57	August 1, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	45 mg/l	Chronic
58	August 2, 2001	Settable Solids Average for 7-Days	15.4 ml/L	1.0 ml/l	Serious
59	August 2, 2001	Suspended Solids Average for 7-Days	107 mg/L	45 mg/l	Serious
60	August 2, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
61	August 3, 2001	Settable Solids Average for 7-Days	8.1 ml/L	1.0 ml/l	Serious
62	August 3, 2001	Suspended Solids Average for 7-Days	85 mg/L	45 mg/l	Serious
63	August 3, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
64	August 4, 2001	Settable Solids Average for 7-Days	7.8 ml/L	1.0 ml/l	Serious
65	August 4, 2001	Suspended Solids Average for 7-Days	85 mg/L	45 mg/l	Serious
66	August 4, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
67	August 5, 2001	Settable Solids Average for 7-Days	6.7 ml/L	1.0 ml/l	Serious
68	August 5, 2001	Suspended Solids Average for 7-Days	84 mg/L	45 mg/l	Serious
69	August 5, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic

No.	Date	Constituent	Value	Permitted Limit	Violation Type
70	August 6, 2001	Settable Solids Average for 7-Days	6.6 ml/L	1.0 ml/l	Serious
71	August 6, 2001	Suspended Solids Average for 7-Days	82 mg/L	45 mg/l	Serious
72	August 6, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
73	August 7, 2001	Suspended Solids Average for 7-Days	50 mg/L	45 mg/l	Chronic
74	August 13, 2001	BOD Average for 7-Days	55 mg/L	45 mg/l	Chronic
75	August 13, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
76	August 14, 2001	BOD Average for 7-Days	55 mg/L	45 mg/l	Chronic
77	August 14, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
78	August 15, 2001	BOD Average for 7-Days	70 mg/L	45 mg/l	Serious
79	August 15, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
80	August 16, 2001	BOD Average for 7-Days	70 mg/L	45 mg/l	Serious
81	August 17, 2001	BOD Average for 7-Days	66 mg/L	45 mg/l	Serious
82	August 18, 2001	BOD Average for 7-Days	66 mg/L	45 mg/l	Serious
83	August 19, 2001	BOD Average for 7-Days	66 mg/L	45 mg/l	Serious
84	August 20, 2001	BOD for One Day	130 mg/L	90 mg/l	Serious
85	August 20, 2001	BOD Average for 7-Days	96 mg/L	45 mg/l	Serious
86	August 21, 2001	BOD Average for 7-Days	96 mg/L	45 mg/l	Serious
87	August 22, 2001	BOD for One Day	100 mg/L	90 mg/l	Chronic
88	August 22, 2001	BOD Average for 7-Days	97 mg/L	45 mg/l	Chronic
89	August 23, 2001	BOD Average for 7-Days	97 mg/L	45 mg/l	Chronic
90	August 24, 2001	BOD Average for 7-Days	115 mg/L	45 mg/l	Chronic
91	August 25, 2001	BOD Average for 7-Days	115 mg/L	45 mg/l	Chronic
92	August 26, 2001	BOD Average for 7-Days	115 mg/L	45 mg/l	Chronic
93	August 27, 2001	BOD Average for 7-Days	71 mg/L	45 mg/l	Serious
94	August 28, 2001	BOD Average for 7-Days	71 mg/L	45 mg/l	Serious
95	August 30, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
96	August 31, 2001	Settable Solids Average for 30-Days	34 mg/L		Serious
97	August 31, 2001	BOD Average for 30-Days	62 mg/L	45 mg/l	Serious
98	August 31, 2001	BOD Percent Removal	74 %	85%	Chronic
99	August 31, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic
100	September 3, 2001	Fecal Coliform Median for 7-Days	300 Colonies/100 ml	200 Colonies /100 ml	Chronic

No.	Date	Constituent	Value	Permitted Limit	Violation Type
101	October 19, 2001	Fecal Coliform Median for 7-Days	220 Colonies/100 ml	200 Colonies /100 ml	Chronic
102	December 31, 2001	BOD Average for 30-Days	38 mg/L	30 mg/l	Chronic
103	January 13, 2002	BOD Average for 7-Days	52 mg/L	45 mg/l	Chronic
104	January 31, 2002	BOD Average for 30-Days	39 mg/L	30 mg/l	Chronic
105	February 28, 2002	BOD Average for 30-Days	32 mg/L	30 mg/l	Chronic
106	April 7, 2002	BOD Average for 7-Days	59 mg/L	45 mg/l	Chronic
107	May 5, 2002	Settable Solids Average for 7-Days	4.5mg/l	1.0 mg/l	Serious
108	May 5, 2002	Effluent Suspended Solids one day	97 mg/l	90 mg/l	Chronic
109	May 7, 2002	Settable Solids Average for 7-Days	14.0 ml/l	1.0 ml/l	Serious
110	May 9, 2002	Effluent Suspended Solids one day	140 mg/l	90 mg/l	Serious
111	May 9, 2002	Fecal Coliform 7-day average	350 Colonies/100 ml	200 Colonies /100 ml	Serious
112	May 12, 2002	Fecal Coliform 7-day average	350 Colonies/100 ml	200 Colonies /100 ml	Serious
113	May 12, 2002	Effluent Suspended Solids 7-day average	56 mg/l	45 mg/l	Serious
114	May 29, 2002	Effluent Settleable Solids 7-day average	1.63 ml/l	1 ml/l	Chronic
115	May 30, 2002	Effluent Suspended Solids 30-day	35 mg/l	30 mg/l	Chronic
116	May 30, 2002	Effluent BOD Monthly average	48 mg/l	30 mg/l	Serious
117	May 30, 2002	Effluent BOD 7-day average	81 mg/l	45 mg/l	Serious
118	May 31, 2002	Effluent BOD 7-day average	66 mg/l	45 mg/l	Serious
119	May 31, 2002	Effluent settleable Solids 7-day average	2.26 ml/l	1.0 ml/l	Serious
120	June 1, 2002	Effluent Settleable Solids 7-day average	2.26 mg/l	1.0 mg/l	Serious
121	June 1, 2002	Effluent BOD 7-day average	64 mg/l	45 ml/l	Serious
122	June2, 2002	Effluent BOD 7-day average	64 mg/l	45 mg/l	Serious
123	June2, 2002	Effluent Settleable Solids 7-day average	2.26 mg/l	1.0 mg/l	Serious
124	June 3, 2002	Effluent Settleable Solids 7-day average	2.24 mg/l	1.0 mg/l	Serious
125	June 3, 2002	Fecal Coliform Median for 7-Days	280 Colonies/100 ml	200 Colonies /100 ml	Serious
126	June 3, 2002	Effluent BOD Monthly 7-day average	79 mg/l	45 mg/l	Serious
127	June 4, 2002	Effluent Settleable Solids 7-day average	2.24 mg/l	1.0 mg/l	Serious
128	June 4, 2002	Fecal Coliform Median for 7-Days	280 Colonies/100 ml	200 Colonies /100 ml	Chronic
129	June 5, 2002	Effluent Suspended Solids 7-day	45 mg/l	45 mg/l	Chronic

No.	Date	Constituent	Value	Permitted Limit	Violation Type
130	June 5, 2002	Effluent BOD 7-day average	54 mg/l	45 mg/l	Serious
131	June 16,2002	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
132	June 17,2002	Effluent BOD 7-day average	49 mg/l	45 mg/l	Serious
133	June 18,2002	Effluent BOD 7-day average	49 mg/l	45 mg/l	Serious
134	June 19,2002	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
135	June 20,2002	Effluent BOD 7-day average	51 mg/l	45 mg/l	Serious
136	June 21,2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
137	June 22,2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
138	June 28,2002	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
139	June 29,2002	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
140	June 30, 2002	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
141	July 1, 2002	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
142	July 2, 2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
143	July 3, 2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
144	July 31, 2002	Effluent BOD Monthly average	31 mg/l	30 mg/l	Chronic
145	August 5, 2002	Effluent BOD 7-day average	55 mg/l	45 mg/l	Chronic
146	August 6, 2002	Effluent BOD 7-day average	55 mg/l	45 mg/l	Chronic
147	August 6, 2002	Effluent Settleable Solids 7-day	1.94 mg/l	1.5 mg/l	Chronic
148	August 6, 2002	Effluent Settleable Solids	13 ml/l	3.0 ml/l	Serious
149	August 7, 2002	Effluent Suspended Solids one day	92 mg/l	90 mg/l	Chronic
150	August 7, 2002	Effluent Suspended Solids 7-day	50 mg/l	45 mg/l	Chronic
151	August 7, 2002	Effluent Settleable Solids 7-day	2.17 ml/l	1.5 ml/l	Serious
152	August 7, 2002	Effluent Settleable Solids 7-day	1.94 ml/l	1.5 ml/l	Serious
153	August 7, 2002	Effluent BOD 7-day average	66 mg/l	45 mg/l	Chronic
154	August 8, 2002	Effluent Settleable Solids 7-day	2.2 ml/l	1.5 ml/l	Serious
155	August 8, 2002	Effluent Suspended Solids 7-day	54 mg/l	45 mg/l	Chronic
156	August 8, 2002	Effluent BOD for one day	92 mg/l	90 mg/l	Chronic
157	August 8, 2002	Effluent BOD 7-day average	75 mg/l	45 mg/l	Chronic
158	August 9, 2002	Effluent Settleable Solids 7-day	2.2 ml/l	1.5 ml/l	Serious
159	August 9, 2002	Effluent Suspended Solids 7-day	57 mg/l	45 mg/l	Serious
160	August 9, 2002	Effluent BOD 7-day average	84 mg/l	45 mg/l	Chronic
161	August 10, 2002	Effluent Suspended Solids 7-day	52 mg/l	45 mg/l	Serious
162	August 10, 2002	Effluent Settleable Solids 7-day	2.2 ml/l	1.5 ml/l	Serious
163	August 10, 2002	Effluent BOD 7-day average	84 mg/l	45 mg/l	Chronic
164	August 11, 2002	Effluent Suspended Solids 7-day	47 mg/l	45 mg/l	Chronic
165	August 11, 2002	Effluent Settleable Solids 7-day	2.2 ml/l	1.5 ml/l	Serious
166	August 11, 2002	Effluent BOD 7-day average	75 mg/l	45 mg/l	Chronic
167	August 12, 2002	Effluent Suspended Solids 7-day	47 mg/l	45 mg/l	Chronic
168	August 12, 2002	Effluent Settleable Solids 7-day	2.23 ml/l	1.5 ml/l	Serious
169	August 12, 2002	Effluent BOD 7-day average	75 mg/l	45 mg/l	Chronic
170	August 13, 2002	Effluent Suspended Solids 7-day	47 mg/l	45 mg/l	Chronic
171	August 13, 2002	Effluent BOD 7-day average	75 mg/l	45 mg/l	Chronic
172	August 14, 2002	Effluent BOD 7-day average	60 mg/l	45 mg/l	Serious

No.	Date	Constituent	Value	Permitted Limit	Violation Type
173	August 2002	BOD pounds per day	481 lb/day	438 lb/day	Chronic
174	August 2002	Effluent Suspended Solids 7-day	31 mg/l	30 mg/l	Chronic
175	August 2002	Effluent BOD 30-day	48 mg/l	45 mg/l	Chronic
176	August 2002	Effluent BOD	219 kg/d	199 kg/d	Chronic
177	September 2002	Effluent BOD Monthly Average	35 mg/l	30 mg/l	Chronic
178	October 10, 2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
179	October 2002	Effluent BOD Monthly Average	32 mg/l	30 mg/l	Chronic
180	November 4, 2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
181	November 5, 2002	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
182	November 6, 2002	Effluent BOD 7-day average	48 mg/l	45 mg/l	Chronic
183	November 10, 2002	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
184	November 2002	Effluent BOD Monthly Average	34 mg/l	30 mg/l	Chronic
185	February 2003	Effluent BOD Monthly Average	34 mg/l	30 mg/l	Chronic
186	March 7, 2003	Effluent BOD 7-day average	53 mg/l	45 mg/l	Chronic
187	March 8, 2003	Effluent BOD 7-day average	53 mg/l	45 mg/l	Chronic
188	March 9, 2003	Effluent BOD 7-day average	53 mg/l	45 mg/l	Chronic
189	March 10, 2003	Effluent BOD 7-day average	53 mg/l	45 mg/l	Chronic
190	March 11, 2003	Effluent BOD 7-day average	50 mg/l	45 mg/l	Chronic
191	March 12, 2003	Effluent BOD 7-day average	50 mg/l	45 mg/l	Chronic
192	March 13, 2003	Effluent BOD 7-day average	54 mg/l	45 mg/l	Chronic
193	March 17, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
194	March 18, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
195	March 19, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
196	March 20, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
197	March 21, 2003	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
198	March 21, 2003	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
199	March 22, 2003	Effluent BOD 7-day average	47 mg/l	45 mg/l	Chronic
200	March 23, 2003	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
201	March 24, 2003	Effluent BOD 7-day average	46 mg/l	45 mg/l	Chronic
202	March 2003	Effluent BOD Monthly Average	42 mg/l	30 mg/l	Chronic
203	April 8, 2003	Effluent BOD 7-day average	68 mg/l	45 mg/l	Serious
204	April 9, 2003	Effluent BOD 7-day average	68 mg/l	45 mg/l	Serious
205	April 10, 2003	Effluent BOD 7-day average	75 mg/l	45 mg/l	Serious
206	April 11, 2003	Effluent BOD 7-day average	75 mg/l	45 mg/l	Serious
207	April 12, 2003	Effluent BOD 7-day average	75 mg/l	45 mg/l	Serious
208	April 13, 2003	Effluent BOD 7-day average	75 mg/l	45 mg/l	Serious
209	April 14, 2003	Effluent BOD 7-day average	75 mg/l	45 mg/l	Serious
210	April 15, 2003	Effluent BOD 7-day average	81 mg/l	45 mg/l	Serious
211	April 16, 2003	Effluent BOD 7-day average	86 mg/l	45 mg/l	Serious
212	April 17, 2003	Effluent BOD 7-day average	90 mg/l	45 mg/l	Serious
213	April 18, 2003	Effluent BOD 7-day average	105 mg/l	45 mg/l	Serious
214	April 19, 2003	Effluent BOD 7-day average	105 mg/l	45 mg/l	Serious
215	April 20, 2003	Effluent BOD 7-day average	105 mg/l	45 mg/l	Serious

No.	Date	Constituent	Value	Permitted Limit	Violation Type
216	April 21, 2003	Effluent BOD 7-day average	105 mg/l	45 mg/l	Serious
217	April 22, 2003	Effluent BOD 7-day average	88 mg/l	45 mg/l	Serious
218	April 23, 2003	Effluent BOD 7-day average	88 mg/l	45 mg/l	Serious
219	April 24, 2003	Effluent BOD 7-day average	88 mg/l	45 mg/l	Serious
220	April 25, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
221	April 26, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
222	April 27, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
223	April 28, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
224	April 2003	Effluent BOD 30-day average	72 mg/l	30 mg/l	Chronic
225	May 1, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
226	May 2, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
227	May 3, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
228	May 4, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
229	May 5, 2003	Effluent BOD 7-day average	53 mg/l	45 mg/l	Chronic
230	May 6, 2003	Effluent BOD 7-day average	57 mg/l	45 mg/l	Chronic
231	May 7, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
232	May 8, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
233	May 9, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
234	May 10, 2003	Effluent BOD 7-day average	49 mg/l	45 mg/l	Chronic
235	May 11, 2003	Effluent BOD 7-day average	63 mg/l	45 mg/l	Serious
236	May 12, 2003	Effluent BOD 7-day average	66 mg/l	45 mg/l	Serious
237	May 13, 2003	Effluent BOD 7-day average	78 mg/l	45 mg/l	Serious
238	May 14, 2003	Effluent BOD 7-day average	78 mg/l	45 mg/l	Serious
239	May 15, 2003	Effluent BOD 7-day average	68 mg/l	45 mg/l	Serious
240	May 16, 2003	Effluent BOD 7-day average	68 mg/l	45 mg/l	Serious
241	May 17, 2003	Effluent BOD 7-day average	57 mg/l	45 mg/l	Chronic
242	May 18, 2003	Effluent BOD 7-day average	57 mg/l	45 mg/l	Chronic
243	May 19, 2003	Effluent BOD 7-day average	57 mg/l	45 mg/l	Chronic
244	May 20, 2003	Effluent BOD 7-day average	54 mg/l	45 mg/l	Chronic
245	May 21, 2003	Effluent BOD 7-day average	54 mg/l	45 mg/l	Chronic
246	May 22, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
247	May 23, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
248	May 24, 2003	Effluent BOD 7-day average	52 mg/l	45 mg/l	Chronic
249	May 2003	Effluent BOD 30-day average	54 mg/l	30 mg/l	Chronic
250	May 2003	Effluent BOD 30-day average	442 lb/day	438 lb/day	Chronic

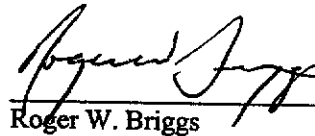
14. According to Allegation 13, the Discharger committed one hundred and fifteen (115) "serious" violations in the period from July 1, 2001 to July 31, 2003. The amount of the mandatory penalty for the above serious violations (115 x \$3,000) is **\$345,000**.
15. According to Allegation 13, the Discharger committed one hundred and thirty-five (135) chronic violations in the period from July 1, 2001 to July 31, 2003. In accordance with California Water Code section 13385(i) each chronic violation of four or more in a consecutive six-month period requires that the Regional Board assess a mandatory minimum penalty of three thousand dollars (\$3,000), occurring in a consecutive six-month period. In the case the Discharger committed three consecutive serious violations

that also count as chronic violations. Thus, there is no exemption or deduction from any listed chronic violations. The mandatory minimum penalty for the above listed chronic violations (135 - 0) = 135 x \$3,000) is **\$405,000**.

16. The total amount of the mandatory penalty from July 1, 2001 to July 31, 2003 is (\$345,000 + 405,000) **\$750,000**.

THE CITY OF PISMO BEACH IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board issued Mandatory Penalty Complaint No. R3-2003-050 on October 6, 2003 pursuant to Water Code Section 13385. The complaint proposed imposing a mandatory penalty of in the amount of seven hundred and fifty thousand dollars (**\$750,000**).
2. The issuance of this order is exempt from the provisions of the California Environmental Quality Act (Public Resources code Section 21000, et seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.
3. The Regional Board may direct up to three hundred and ninety thousand (\$390,000) dollars of the Mandatory Penalty towards a supplemental environmental project approved by the Discharger. If the Discharger wishes up to \$390,000 to be spent on a supplemental environmental project, the Discharger must submit a thorough explanation (one or two pages) of the project no later than **November 7, 2003**. The proposed project must satisfy all applicable requirements of the Enforcement Policy of the State Board - Resolution 2002-0040.
4. The Discharger may waive its right to a public hearing. If the Discharger wishes to waive the public hearing, fill out and sign the enclosed "Waiver of the Right to a Hearing," and submit it with a check in the amount of seven hundred and fifty thousand dollars (**\$750,000**) to the address listed on the invoice.



Roger W. Briggs
Executive Officer

10-6-03
Date

WAIVER OF HEARING

You may waive your right to a hearing. If you wish to waive your hearing, an authorized person must check and sign the following "Waiver of Hearing" form and return it to the Regional Water Quality Control Board, Central Coast Region, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401, by **November 7, 2003, 5:00 P.M.**

If you choose to waive your right to a hearing, the Executive Officer will present an Order to the Regional Board for the amounts proposed in this Complaint at the Regional Board meeting on December 5, 2003 at the Regional Water Quality Control Board, Central Coast Region, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401. The meeting is scheduled to begin at 8:30 A.M.; however, no specific time has been set for consideration of the Order. The Regional Board may adopt or reject the Order. If the proposed Order is adopted, proof of payment towards an approved SEP and payment of the remaining Mandatory Penalty to State Water Resources Control Board will be due and payable on **January 5, 2004** in accordance with the Order. If the Order is rejected, the Regional Board may direct the Executive Officer to issue a new complaint and schedule another hearing.

If you do not waive your right to a hearing, the Regional Board will be asked to accept the amounts proposed in the Complaint. The Regional Board may proceed with the scheduled hearing and consider testimony received from interested persons during the hearing and decide whether to accept the amount of Mandatory Penalty proposed by the Executive Officer or increase the liability. The Regional Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General.

WAIVER OF THE RIGHT TO A PUBLIC HEARING

By checking the box, I agree to waive The City of Pismo Beach's right to a public hearing before the Regional Board with regard to the violations alleged in Complaint No. R3-2003-0050. I understand that I am giving up City of Pismo Beach's right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed.

Signature

Printed Name

Title/Position

Date

Please mail your check (payable to State Water Resources Control Board) and signed waiver to:

**SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P.O. BOX 100
SACRAMENTO, CA 95812-0100**

File:Pismo

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