

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

**COMPLAINT NO. R3-2004-0059**

**MANDATORY PENALTY  
IN THE MATTER OF  
WASTE DISCHARGE REQUIREMENTS  
ORDER NO. 98-42  
(NPDES NO. CA0047953)**

**For**

**CITY OF PASO ROBLES  
AND LOCAL SEWERING ENTITIES OF  
TEMPLETON COMMUNITY SERVICES DISTRICT AND  
CALIFORNIA YOUTH AUTHORITY, PASO ROBLES BOYS SCHOOL  
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 Paso Robles, Templeton Community Services District and California Youth Authority, Paso Robles Boys School (hereafter Discharger) based on a finding of violations of Waste Discharge Requirements Order No. 98-42 (NPDES No. CA0047953).

The Executive Officer finds the following:

1. On September 11, 1998, the Regional Water Quality Control Board, Central Coast Region (Regional Board), adopted *Waste Discharge Requirements Order No. 98-42, NPDES Permit No. CA0047953, for the City of Paso Robles and Local Sewering Entities of Templeton Community Services District and California Youth Authority, Paso Robles Boys School, San Luis Obispo County* (Order No. 98-42).
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 discharger does any of the following four or more times in a consecutive six-month period:
  - a) Violates a waste discharge requirement effluent limitation;
  - b) Fails to file a report pursuant to Section 13260;
  - c) Files an incomplete report pursuant to Section 13260; or
  - d) Violates a toxicity effluent 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...regional board, with the concurrence of the discharger, 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 be expended on 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).”

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. Appendix A to section 123.45 of Title 40 Code of Federal Regulations lists the following as Group I and Group II Pollutants:

Group I Pollutants	
Oxygen Demand	Biochemical Oxygen Demand
	Chemical Oxygen Demand
	Total Oxygen Demands
	Total Organic Carbon
	Other
Solids	Total Suspended Solids (Residues)
	Total Dissolved Solids (Residues)
	Other
Nutrients	Inorganic Phosphorus Compounds
	Inorganic Nitrogen Compounds
	Other
Detergents and Oils	MBAS
	NTA
	Oil and Grease
	Other detergents or algicides
Minerals	Calcium
	Chloride
	Fluoride
	Magnesium
	Sodium
	Potassium
	Sulfur
	Sulfate
	Total Alkalinity
	Total Hardness
	Other Minerals
Metals	Aluminum
	Cobalt
	Iron
	Vanadium

Group II Pollutants	
Metals (all forms)	Other metals not specifically listed under Group I
Inorganic	Cyanide
	Total Residual Chlorine
Organics	All organics are Group II except those specifically listed under Group I.

7. Order No. 98-42 includes in part the following:

#### B. EFFLUENT LIMITATIONS

- "Removal Efficiencies" for Total Non-Filterable Residue (Suspended Solids) and Biochemical Oxygen Demand (BOD) discharged to the Salinas River shall not be less than 85%<sup>A</sup>. In addition, effluent shall not exceed the following limitations:

Constituent	Unit of Measurement	Monthly Average (30-Day)	Weekly Average (7-Day)	Daily Maximum
Grease and Oil <sup>B</sup>	mg/l	10		20
Total Dissolved Solids	mg/l			1100
Sodium	mg/l			225
Chloride	mg/l			310

- Effluent shall be continuously disinfected so that the median most probable number (MPN) of coliform organisms does not exceed 23 per 100 milliliters, as determined from the bacteriological results of the last seven days for which analysis have been completed<sup>D</sup>. The maximum number of coliform organisms shall not exceed 2300 per 100 milliliters<sup>D</sup>
- Effluent containing a sodium daily maximum concentration of 315 mg/L (daily maximum limit + 40%) or more is a serious violation.
- Effluent containing a chloride daily maximum concentration of 434 mg/L (daily maximum limit + 40%) or more is a serious violation.
- Effluent containing a total dissolved solids daily maximum concentration of 1540 mg/L (daily maximum limit + 40%) or more is a serious violation.
- According to monitoring reports submitted by the Discharger, the Discharger committed the following violations of Order No. 98-42 in the period July 2001 through December 2004:

No.	Date	Constituent	Value (mg/L)	Permitted Limit (mg/L)	Violation Type
1	Jul 10, 2001	Chloride Daily Maximum	340	310	Chronic
2	Jul 10, 2001	Sodium Daily Maximum	240	225	Chronic
3	Oct 01, 2001	Chloride Daily Maximum	320	310	Chronic
4	Oct 01, 2001	Sodium Daily Maximum	240	225	Chronic
5	Sep 16, 2002	Total Coliform	17,000 MPN/100 mL	2300 MPN/100 mL	Chronic
6	Apr 02, 2003	Grease and Oil Daily Maximum	34	20	Serious

7	Jul 07, 2003	Sodium Daily Maximum	230	225	Chronic
8	Oct 06, 2003	Sodium Daily Maximum	260	225	Chronic

12. From July 2001 through December 2004, the Discharger committed one serious violation. The amount of the mandatory penalty for the serious violation is (1 x \$3,000) **\$3,000**.

13. From July 2001 through December 2004, the Discharger committed four or more violations in six-month periods, as follows:

Six-Month Period	Violation Date	Constituent	Value (mg/L)	Permitted Limit (mg/L)	Penalty Amount
From Jul 10, 2001 To Jan 06, 2002	Jul 10, 2001	Chloride Daily Maximum	340	310	--
	Jul 10, 2001	Sodium Daily Maximum	240	225	--
	Oct 01, 2001	Chloride Daily Maximum	320	310	--
	Oct 01, 2001	Sodium Daily Maximum	240	225	3,000

14. The amount of the mandatory penalty for the chronic violations (1 x \$3,000) is **\$3,000**.

15. The total amount of the mandatory penalty from July 2001 through December 2004 is (\$3,000 + \$3,000) \$6,000.

**THE CITY OF EL PASO DE ROBLES IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a mandatory penalty in the amount of six thousand dollars (**\$6,000**).
2. The Regional Board will hold a public hearing on July 9, 2004, unless the Discharger agrees to waive its right to a public hearing by filling out, signing, and submitting the enclosed "Waiver of Hearing." If the Discharger does not waive its right to a public hearing, the Regional Board may proceed with the scheduled public hearing and consider testimony received from interested persons during the public hearing and decide whether to accept the amount of mandatory penalty proposed by the Executive Officer. The Regional Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General. The public hearing is scheduled at the regularly scheduled Regional Board meeting on July 9, 2004, at the Watsonville City Council Chambers, 250 Main Street, Watsonville, California. The meeting is scheduled to begin at 8:30 a.m.; however, no specific time has been set for consideration of this item.

If you have questions regarding this matter, please direct them to Regional Board staff, **Tom Kukol at (805) 549-3689**, or Regional Board Counsel, Lori Okun, at (916) 341-5165.

\_\_\_\_\_  
Roger W. Briggs  
Executive Officer

\_\_\_\_\_  
Date

**PROCEDURAL INFORMATION  
FOR  
MANDATORY PENALTY COMPLAINT  
HEARING AND PAYMENT**

HEARING

Unless you waive your right to a hearing, a hearing on this matter will be held before the Regional Board within 90 days of receipt of this administrative civil liability (ACL) complaint. You and your representatives will have the opportunity to be heard and to contest the allegations in the ACL complaint and the imposition of civil liability by the Regional Board. A hearing is tentatively scheduled for:

Date: July 9, 2004  
Location: Watsonville City Council Chambers  
250 Main Street  
Watsonville, California

At the hearing, the Regional Board will consider whether to accept or reject the amount of the proposed mandatory penalty.

**WAIVER OF HEARING AND PAYMENT OF CIVIL LIABILITY**

You may waive your right to a hearing. If you wish to waive your right to the hearing, you or a duly authorized person must check and sign the attached WAIVER OF HEARING form and pay the mandatory penalty amount specified in the complaint. Make a check or money order payable to "State Water Resources Control Board" and write the complaint number on your check to ensure correct crediting of your account. Do not send cash. Send your PAYMENT and WAIVER OF HEARING form to the Regional Board office at the address above.

A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership or sole proprietorship, a principal executive officer or ranking elected official in a public agency, or a duly authorized representative.

If full PAYMENT and a signed WAIVER OF HEARING form are received before the hearing, the hearing will not be held, and the violation will be settled. If full PAYMENT and a signed WAIVER OF HEARING form are not received, the matter will be placed on the Regional Board's agenda for a hearing as stated above.

WAIVER OF HEARING

[ ] By checking this box, I agree to waive my right for a hearing before the Regional Board with regard to the violations alleged in Mandatory Penalty Complaint No. R3-2004-0059. Also, I agree to remit payment for the mandatory penalty proposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this mandatory penalty complaint, and against the imposition of the amount of mandatory penalty proposed.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_