

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF JULY 9, 2004

Prepared June 16, 2004

ITEM: 15

SUBJECT: ASSESSMENT OF MANDATORY PENALTY FOR THE CITY OF EL PASO DE ROBLES; TEMPLETON COMMUNITY SERVICES DISTRICT; AND THE CALIFORNIA YOUTH AUTHORITY, EL PASO DE ROBLES BOYS SCHOOL; SAN LUIS OBISPO COUNTY – ORDER NO. R3-2004-0059

KEY INFORMATION:

Location: 3200 Sulphur Springs Road, El Paso de Robles, San Luis Obispo County
Type of Waste: Municipal wastewater
Design Capacity: 4.9 mgd (dry weather, design, daily flow)
Present Volume: 2.82 mgd (average daily flow)
Treatment: Secondary (trickling filters), clarification, chlorine disinfection
Disposal: Discharge to a series of six ponds, which overflow to the adjacent to the Salinas River
Reclamation: None
Existing Order: R3-2004-0031, NPDES No. CA0047953

SUMMARY

Under a Regional Board-issued National Pollutant Discharge Elimination System Permit (NPDES Permit), the City of El Paso de Robles (Discharger) treats municipal sanitary wastewater to secondary standards, then discharges the treated wastewater to the Salinas River. On a few occasions over a three-year period, the Discharger violated its NPDES Permit's daily maximum effluent limitations for sodium, chloride, and grease and oil. Also, on one occasion, the discharger violated the total coliform effluent limitation. Pursuant to California Water Code Section 13385(h), the Discharger is subject to mandatory penalties. The Executive Officer issued Complaint No. R3-2004-0059 (Attachment 1) to the Discharger on May 21, 2004. The discharger has not paid the mandatory penalty and desired a hearing before the Regional Board. Therefore this item proposes Order No. R3-2004-0059 to impose a mandatory minimum penalty of \$6,000.

DISCUSSION

Background

The City of Paso Robles has had difficulty meeting effluent salt limitations for at least 30 years. The Regional Board has attempted to address the City's salt issue, but there are still occasional violations. Recent revisions to California Water Code Section 13385(h) require the Regional Board to assess mandatory penalties for certain violations. This order implements a mandatory minimum penalty for effluent salts and grease and oil violations.

WDRs

On September 11, 1998, the Regional Water Quality Control Board, Central Coast Region (Regional Board), adopted *Waste Discharge Requirements Order No. 98-42*. That order prescribed effluent limits as follows:

Constituent	Daily Maximum (mg/l)
Chloride	310
Sodium	225
Grease and Oil	20

Monitoring and Reporting Program No. 98-42 required quarterly influent analysis for sodium and chloride, as well as monthly effluent analysis for grease and oil. The discharger submits regular monitoring reports.

Violations

Staff recently reviewed the discharger's monitoring reports for the period from January 1, 2000, through December 31, 2003, to identify violations that are subject to mandatory minimum penalties. Staff found occasional effluent violations. Violations over three years old were not included in the mandatory minimum penalty assessment. The remainder were assessed a mandatory minimum penalty. On May 21, 2004, the Executive Officer issued Complaint No. R3-2004-0059 to the Discharger for \$6,000. The discharger has not to paid the mandatory penalty and desired a hearing before the Regional Board. Therefore this item proposes Order No. R3-2004-0059 to impose a mandatory minimum penalty of \$6,000. The proposed order's findings itemize facts and relevant regulations pertaining to the mandatory minimum penalty, so staff did not repeat that information in this report.

Supplemental Environmental Project

California Water Code Section 13385(1) allows the Discharger to direct a portion of the penalty amount to be expended on a supplemental environmental project (SEP). Therefore the Discharger may direct up to six thousand (\$6,000) toward an SEP.

RECOMMENDATION

As of this writing, staff recommends adopting Order No. R3-2004-0059 to assess the City of El Paso de Robles a Mandatory Penalty in the amount of six thousand dollars (\$6,000). Staff will amend its recommendation as appropriate if the city produces an SEP proposal that is consistent with the Water Code and the Enforcement Policy.

ATTACHMENTS

1. Complaint No. R3-2004-0059
2. Order No. R3-2004-0059