

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906**

**ADMINISTRATIVE CIVIL LIABILITY
ORDER NO. R3-2004-0073**

Issued to:

**Pajaro Valley Unified School District
Landmark Elementary School, Watsonville
Santa Cruz County**

The California Regional Water Quality Control Board, Central Coast Region, finds:

1. Pajaro Valley Unified School District (hereafter Discharger) owns the Landmark Elementary School construction site at Ohlone Parkway and Harkins Slough Road in Watsonville, Santa Cruz County (hereafter Site).
2. On June 10, 2003, the Discharger filed a Notice of Intent to comply with the terms of the General Permit for Storm Water Discharges Associated with Construction Activity (Permit).
3. The Permit requires the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Permit Section A, and "implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season."
4. On February 23, 2004 and on March 19, 2004, Regional Board staff inspected the Site and determined the Discharger was in violation of Permit requirements. Based on observations of Site conditions, discussions with Site personnel, and information from the City of Watsonville's erosion control inspector, the period of violation is at least from February 23, 2004 through March 19, 2004 (a total of twenty-six days).
5. Violations observed during the February and March inspections include discharge without appropriate Best Management Practices (BMPs), inadequate SWPPP, unavailable SWPPP (February only), ineffective and unmaintained BMPs, untrained Site personnel, no inspection records, and noncompliance with local requirements. These violations are described in Complaint No. R3-2004-0073 (Complaint), including Attachment 1 to the Complaint.
6. During the inspections, Regional Board staff discussed violations with Site personnel, and followed up with Notice of Violation letters (dated March 5, 2004 and March 24, 2004). In the first Notice of Violation letter, Regional Board staff informed the Discharger of the exact date when Regional Board staff would return to the Site for a follow-up inspection. Both letters were mailed to the Discharger, and faxed and mailed to Site personnel.
7. California Water Code Section 13385 states that any person who violates waste discharge requirements (such as the Permit) shall be civilly liable. The Regional Board may impose administrative civil liability not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
8. The Discharger was in violation of the Permit for at least twenty-six days, as described in the Complaint. Pursuant to California Water Code Section 13385, the Regional Board may impose a maximum civil liability of two hundred sixty thousand dollars (\$260,000).
9. As required by California Water Code Section 13385, the Regional Board considered:

- a. nature, circumstances, extent, and gravity of the violations
 - b. discharge susceptibility to cleanup or abatement
 - c. discharge toxicity
 - d. ability to pay and the effect on ability to continue in business
 - e. voluntary cleanup efforts undertaken
 - f. violation history
 - g. degree of culpability
 - h. economic benefit or savings (if any), and
 - i. other matters as justice may require (including Regional Board staff time for preparing this enforcement action).
10. After consideration of the above-listed factors, the Executive Officer issued the Complaint in the amount of fifteen thousand dollars (\$15,000), including staff costs of five thousand five hundred fifty dollars (\$5,550). The Regional Board has considered the analysis of these factors set forth in Paragraphs

(a) through (i) of the “Proposed Civil Liability” section of the Complaint, and all comments and testimony received, and agrees with and adopts that analysis as findings of the Regional Board.

11. This enforcement action is taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with California Code of Regulations, Title 14, Sections 15307 and 15308.

IT IS HEREBY ORDERED, pursuant to California Water Code Section 13385, Pajaro Valley Unified School District is assessed a total civil liability of fifteen thousand dollars (\$15,000) to be delivered to the Regional Water Quality Control Board at the letterhead address by August 9, 2004. The check is to be made payable to the State Water Resources Control Board.

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Water Quality Control Board on July 9, 2004.

Roger W. Briggs, Executive Officer

Date