



**CITY OF LOMPOC
WASTEWATER TREATMENT
PLANT**



DATE: July 22, 2004
TO: **Mike Higgins**
ATTN:
FAX NUMBER: 805-788-3532
FROM: Susan Halpin *SH*
PHONE NUMBER 805-875-8405
REFERENCE: SEP for Complaint No. R3-2004-0072
FAX TRANSMITTAL

**NUMBER OF PAGES,
INCLUDING COVER
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CITY OF
LOMPOC
Wastewater Division

July 21, 2004

Regional Water Quality Control Board
Central Coast Region
81 Higuera Street Suite 200
San Luis Obispo, CA 93401
Attention: Roger W. Briggs

Subject: **Response to Complaint No. R3-2004-0072**

The City of Lompoc Regional Wastewater Reclamation Plant (LRWRP) received from the Central Coast Regional Water Quality Control Board Complaint for Mandatory Minimum Penalty No. R3-2004-0072 (Complaint). LRWRP staff have reviewed the Complaint and comments are attached. Staff's review indicate the LRWRP should be fined \$6,000 for violations which occurred from 1 July 2001 to 31 December 2003.

The LRWRP proposes to expend the entire \$6,000 penalty amount on a Supplemental Environmental Project (SEP). The LRWRP requests approval to fund the self-assessment protocol project facilitated by the Central Coast Vineyard Team (attached).

James W. Beck
Director of Utilities
City of Lompoc

**Questions/Comments Re 16 June 2004 Complaint for Mandatory Minimum Penalty
No. R3-2004-0072**

1. Item 8. on page 2: why is Order No. 99-40 referenced?
2. "Effluent Limitation B.8" language is not what is actually in Order No. 01-87.
3. "Effluent Limitation B.9"
 - a. sub-paragraphs are mislettered.
 - b. "(d)" has a value of 0.01; actual value in Order is 0.02.
 - c. "(e)" has a value of 0.01; actual value in Order is 0.02.
 - d. actual sub-paragraph (d) from Order 01-87 is missing.
4. "Effluent Limitations B.3.": the constituent Total Dissolved Solids values for 30-Day Average is not the limit in Order 01-87. Actual limit is 1100mg/L based on a 12-month running means.
5. After item 8. on page 2, next item is numbered "13.". Are there items missing?
6. Item 13. on page 2: the serious threshold calculated for TDS is not based on the limit in Order 01-87. Serious threshold should be 1540 mg/L.
7. Item 15. on page 3:
 - a. #1: the City did not report a violation of TDS constituent on 31 July 2001. Actual plant data show a 12-month running mean of 1022 mg/L. This value does not exceed the serious threshold of 1540 mg/L.
 - b. #2: there was a pH violation on 16 August 2001. This would be the first potentially chronic type violation and would start a 6-month period.
 - i. The end of the 6-month period would be 17 February 2002. There was only 1 additional chronic type violation during these six months: MPN >23 on 21 September 2001.
 - ii. There was a total of only 2 chronic type violations during the 6-month period starting 16 August 2001.

**Questions/Comments Re 16 June 2004 Complaint for Mandatory Minimum Penalty
No. R3-2004-0072 (continued)**

- iii. Neither of these 2 chronic type violations meet the criterion in CWC section 13385(i) for mandatory penalty.

- c. #3: there was a settleable solids violations on 20 September 2001.
 - i. this is a serious violation (serious threshold of 0.42 ml/L and 1.6 ml/L was reported) and subject to mandatory penalty.
 - ii. this started a 6-month period.
 - iii. during this 6-month period, there occurred 3 additional chronic type violations
 - (1) 21 September 2001 MPN
 - (2) 28 February 2002 pH
 - (3) 1 March 2002 pH
 - iv. the 1 March 2002 pH chronic type violation is the fourth in the 6-month period that began 20 September 2001 and is subject to mandatory penalty, although the first three of the four violations are not.

- d. #5: there was a chronic type violation on 28 February 2002. The 6-month period for this violation would end 29 August 2002.
 - i. During this 6-month period, there was only 1 additional chronic type violation: 1 March 2002.
 - ii. There was a total of only 2 chronic type violations during the 6-month period starting 28 February 2002.
 - iii. Neither of these 2 chronic type violations meet the criterion in CWC section 13385(i) for mandatory penalty.

- e. #7: there was a chronic type violation on 1 October 2003. This would start a new 6-month period that would end 2 April 2004.

**Questions/Comments Re 16 June 2004 Complaint for Mandatory Minimum Penalty
No. R3-2004-0072 (continued)**

- i. During this 6-month period, there were only 2 additional chronic type violations: 2 October 2003 and 1 November 2003.
 - ii. There was a total of only 3 chronic type violations during the 6-month period starting 1 October 2003.
 - iii. These 3 chronic type violations do not meet the criterion in CWC section 13385(i) for mandatory penalty.
8. Item 17. on page 3: Discharger records and reports show the TDS constituent on 31 July 2001 to be within the permitted limit. There was no serious violation of this constituent. There was a serious violation of the settleable solids constituent on 20 September 2001. The City should be assessed only \$3,000 for this one serious violation.
9. Item 18. on page 3: based on the number of chronic type violations occurring during the 6-month periods included in the time frame of the complaint letter, only one chronic type violation is subject to mandatory penalty: 1 March 2002 pH violation during the 6-month period starting 20 September 2001. The City should be assessed \$3,000.
10. Item 19. on page 3: the City should be assessed a \$3,000 penalty for the serious violation of the settleable solids constituent on 20 September 2001 and a \$3,000 penalty for the fourth chronic type violation in a 6-month period which occurred on 1 March 2002 (pH violation). The total penalty for July 1 2001 to December 31 2003 should be \$6,000.