

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 1-2, 2005
Prepared October 31, 2005

ITEM NUMBER: 20

SUBJECT: Mandatory Penalty Order No. R3-2005-0122, California Department
of Corrections, California Men's Colony, San Luis Obispo County

KEY INFORMATION

Discharger: California Department of Corrections, California Men's Colony
Location: Mid-way between San Luis Obispo and Morro Bay on Highway 1, in the Chorro
Creek Watershed
Discharge Type: Domestic wastewater, approximately 1.2 million gallons per day
Existing Order: Waste Discharge Requirements Order No. 01-001, NPDES Permit No. CA0047856

SUMMARY

The California Department of Corrections, California Men's Colony (CMC) committed 11 effluent violations in the period April 1, 2004, through June 30, 2005. The Executive Officer issued a mandatory penalty complaint for these violations on September 19, 2005. CMC waived its right to a hearing. CMC has not proposed any supplemental environmental projects to date. The proposed Order assesses CMC a mandatory penalty of \$33,000. CMC must submit the \$33,000 to State Water Resources Control Board by January 1, 2006.

DISCUSSION

Facility. CMC operates wastewater collection, treatment, and disposal facilities that serve CMC, California National Guard's Camp San Luis Obispo, San Luis Obispo County's Operations Center, Dairy Creek Golf Course, El Chorro Regional Park, San Luis Obispo County Office of Education, and Cuesta College. The majority of wastewater flow originates from CMC. The wastewater facilities include a four-mile-long trunk sewer line and a tertiary treatment plant adjacent to Chorro Creek. A portion of the tertiary treated wastewater is used to irrigate the Dairy Creek Golf Course; the remainder is discharged into Chorro Creek.

CMC's discharge is subject to *Waste Discharge Requirements Order No. 01-001, NPDES Permit No. CA0047856, for California Department of Corrections, California Men's Colony, San Luis Obispo County* (Order No. 01-001).

Violations

According to CMC's monitoring reports, CMC committed the following violations of effluent limitations of Order No. 01-001 in the period April 1, 2004, through June 30, 2005:

| # | Violation Date | Constituent | Permitted Limit | Reported Value | Violation Type |
|----|----------------|-----------------------|-----------------------|----------------|----------------|
| 1 | 4/30/04 | Dissolved Oxygen | Greater than 2.0 mg/L | 1.6 mg/L | Chronic |
| 2 | 8/26/04 | Dissolved Oxygen | Greater than 2.0 mg/L | 0.3 mg/L | Chronic |
| 3 | 8/26/04 | pH | 6.5 – 8.3 | 6.3 | Chronic |
| 4 | 2/23/05 | Dissolved Oxygen | Greater than 2.0 mg/L | 0.2 mg/L | Chronic |
| 5 | April 2005 | Dry Weather Flow Rate | 1.2 MGD | 1.90 MGD | Serious |
| 6 | 5/10/05 | Dissolved Oxygen | Greater than 2.0 mg/L | 1.6 mg/L | Chronic |
| 7 | 5/19/05 | Dissolved Oxygen | Greater than 2.0 mg/L | 0.7 mg/L | Chronic |
| 8 | 5/21/05 | pH | 6.5 – 8.3 | 6.4 | Chronic |
| 9 | May 2005 | Dry Weather Flow Rate | 1.2 MGD | 1.907 MGD | Serious |
| 10 | 6/24/05 | Dissolved Oxygen | Greater than 2.0 mg/L | 0.23 mg/L | Chronic |
| 11 | June 2005 | Dry Weather Flow Rate | 1.2 MGD | 1.991 MGD | Serious |

Mandatory Penalties

CMC committed three serious violations. The amount of the mandatory penalty for the serious violations is \$9,000 (3 x \$3,000).

CMC committed eight chronic violations. California Water Code section 13385(i) requires the Central Coast Water Board to assess a mandatory minimum penalty of \$3,000 for each violation, not counting the first three, occurring in a consecutive six-month period. In this case, three effluent violations occurred in the six months prior to the first violation listed above, therefore none of these chronic violations are exempt from mandatory penalty. The mandatory penalty for the above chronic violations is \$24,000 (8 x \$3,000).

The total amount of the mandatory penalty for violations occurring in the period April 1, 2004, through June 30, 2005, is \$33,000 (\$9,000 + \$24,000).

Complaint No. R3-2005-0122

The Executive Officer issued Mandatory Penalty Complaint No. R3-2005-0122 on September 19, 2005 (see Attachment 1). The Complaint proposed a mandatory penalty of \$39,000. The Complaint requested the Discharger submit

comments and/or propose a supplemental environmental project (SEP) by October 12, 2005.

On October 4, 2005, CMC submitted a letter with evidence that two of the effluent chlorine residual violations listed in the Complaint are not actually violations, because each excursion above 0.1 mg/L did not exceed 30 minutes, and no individual excursion exceeded 2 mg/L. The Discharger requested the two violations be dismissed. A copy of this letter is included as Attachment 2. Staff reviewed the evidence and agrees the two violations should be dismissed. The table of violations above is a revised list of effluent violations.

On October 11, 2005, the Discharger submitted a copy of a check made payable to State Water Resources Control Board in the amount \$9,000, and proposed that the remaining mandatory penalty (\$24,000) be directed to SEPs, but did not specify the SEPs (Attachment 3). As of October 31, 2005, the Discharger has not submitted an SEP proposal.

Waiver of Hearing. On October 25, 2005, the Discharger submitted a signed Waiver of the Right to a Hearing Form (Attachment 4). The Discharger agrees to waive its right to a hearing before the Central Coast Water Board with regard

to the violations alleged in Complaint No. R3-2005-0122.

Order No. R3-2005-0122. The Proposed Order assesses CMC a mandatory penalty of \$33,000. The Order requires CMC to submit a check payable to State Water Resources Control Board by January 1, 2006. The Order is included as Attachment 5.

RECOMMENDATION

Adopt Mandatory Penalty Order No. R3-2005-0122

ATTACHMENTS

1. Mandatory Penalty Complaint No. R3-2005-0122
2. CMC letter dated October 4, 2005
3. CMC letter dated October 11, 2005
4. CMC Waiver of Hearing Form, dated October 25, 2005
5. Mandatory Penalty Order No. R3-2005-0122

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