



California Regional Water Quality Control Board

Central Coast Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

June 7, 2004

Greg Ray, Interim Public Works Director
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

Dear Mr. Ray:

CLARIFICATION OF COMPLIANCE EVALUATION WITH AVERAGE EFFLUENT LIMITS, CITY OF PISMO BEACH

This letter is intended to summarize your June 2, 2004, meeting with Regional Board staff Gerhardt Hubner, Scott Phillips and Sorrel Marks regarding evaluation of compliance with average effluent limitations. Waste Discharge Requirements Order No. 99-31 (NPDES Permit No. CA0048151) specifies Effluent Limitations (B.1) as follows:

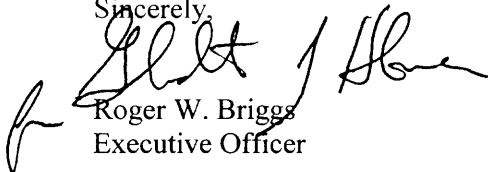
<u>Constituent</u>	<u>Monthly (30-Day) Ave</u>	<u>Weekly (7-Day) Ave</u>	<u>Maximum</u>
BOD,5-day ^D	30 mg/l	45 mg/l	90 mg/l
Total Suspended Solids ^D	30 mg/l	45 mg/l	90 mg/l

As described in Title 40, Section 122 of the Code of Federal Regulations (referenced with footnote "D" above), the average limitations refer to a calendar month or week respectively (40 CFR §§122.2, 122.45(d)(2)) so that a single average calculation (using all sample data collected during the month or week) is representative of the entire period. The average BOD and Total Suspended Solids limits do not refer to running averages calculated daily, as have been reported in the past.

Due to past calculations as running averages, a significant number of effluent violations have been reported in error. Furthermore, Mandatory Minimum Penalty Order No. R3-2004-008 (issued by the Regional Board on May 13, 2004) significantly overstates actual effluent violations. In order to correct this error, the City must submit petition for State Water Resources Control Board review of Order No. R3-2004-008. State law does not authorize Regional Board Staff to modify such orders (see the State Board's Enforcement Policy, Sections IX.B, X.C), therefore we are unable to correct the overstatement of violations at a staff level.

Considering the significant monetary amount assessed in error, we recommend you submit petition to the State Board in a timely manner (prior to June 12, 2004 when the petition period will end) so that this error can be corrected. If you have questions, please contact **Sorrel Marks at 549-3695** or Gerhardt Hubner at 542-4647.

Sincerely,



Roger W. Briggs
Executive Officer

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California Environmental Protection Agency



Item No. 5 Attachment No. 4
March 24-25, 2005 Meeting
City of Pismo Beach
Wastewater Facility