

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

STAFF REPORT FOR REGULAR MEETING OF JANUARY 30, 2014
Prepared on January 15, 2014

ITEM NUMBER: 11a

SUBJECT: **Mandatory Minimum Penalties for Paso Robles Wastewater Treatment Facility, Expedited Payment Letter No. R3-2014-0005**

STAFF CONTACT: **Harvey Packard 805/542-4639 or hpackard@waterboards.ca.gov**

KEY INFORMATION

Location: 3200 Sulphur Springs Road, Paso Robles, California
Type of Discharge: Treated municipal wastewater
Permitted Flow: 4.9 million gallons per day (mgd; dry weather flow design capacity)
Average Annual Flow: 3.0 MGD
Type of Treatment: Primary and secondary treatment followed by chlorination and dechlorination
Disposal Method: Surface water discharge to the Salinas River
Solid Wastes: Primary and secondary solids are anaerobically digested and dried on-site for disposal at City-owned landfill
Existing Orders: Waste Discharge Requirements Order No. R3-2011-0002
Reclamation: None

This Action: **Delegate Authority to the Executive Officer to approve EPL No. R3-2014-0005**

DISCUSSION

Paso Robles is currently constructing a new wastewater treatment facility. However, in the meantime, the old plant regularly violates the city's NPDES permit, incurring minimum mandatory penalties. In the period from December 25, 2008, to September 30, 2013, the city committed 107 violations subject to mandatory penalties, for a total of \$321,000.

Enforcement staff uses a process known as the Expedited Payment Program to process uncontested mandatory penalties. Attachment 1 is the letter staff sent to the city on November 13, 2013, describing the violations and the payment process. The city agreed with staff's determination and signed the waiver form on December 4, 2013 (Attachment 2). Staff then posted the tentative agreement on our website for 30 days, receiving no comments.

The Board has delegated authority to the Executive Officer to sign penalty actions up to \$300,000. For EPLs with a penalty less than \$300,000, enforcement staff asks the Executive Officer to sign the agreement, which has the effect of converting it to an administrative civil liability order. However, in this case, the amount is greater than \$300,000, so enforcement staff is asking the Board to authorize the Executive Officer to approve the agreement.

As explained in the EPL, \$168,000 of the penalty is available to the city to be used for supplemental environmental projects. The city has offered \$84,000 each to the Low Impact Development Initiative and the Central Coast Ambient Monitoring Program.

The only decision available for consideration by the Board at this meeting is whether to affirm the city and enforcement staff's proposed agreement to settle the violations in question. If the Board does not concur with the agreement, it can withhold authority to settle it and direct staff to take other actions, such as negotiate different terms or issue a complaint for discretionary civil liability. However, in the absence of a complaint and noticed hearing, the Board cannot hear evidence on, deliberate on, or modify the terms of the settlement or the violations.

RECOMMENDATION

Delegate authority to the Executive Officer to approve EPL No. R3-2014-0005.

ATTACHMENTS

1. Expedited Payment Letter No. R3-2014-0005
2. Signed Acceptance of Conditional Resolution and Waiver of Right to Hearing

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