

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

SAN ELIJO JOINT POWERS
AUTHORITY
SAN ELIJO OCEAN OUTFALL

COMPLAINT NO. R9-2008-0006
FOR
ADMINISTRATIVE CIVIL LIABILITY
WITH
MANDATORY MINIMUM PENALTIES

VIOLATIONS OF EFFLUENT LIMITATIONS
IN ORDER NO. R9-2005-0100, NPDES NO.
CA0107999, WASTE DISCHARGE
REQUIREMENTS AND NPDES PERMIT
FOR THE SAN ELIJO JOINT POWERS
AUTHORITY, SAN ELIJO WATER
RECLAMATION FACILITY, DISCHARGE
TO THE PACIFIC OCEAN VIA
SAN ELIJO OCEAN OUTFALL
SAN DIEGO COUNTY, CALIFORNIA

May 16, 2008

Place Id: 255265
WDID No. 9 000000125

**SAN ELIJO JOINT POWERS AUTHORITY, SAN ELIJO OCEAN OUTFALL IS
HEREBY GIVEN NOTICE THAT:**

1. San Elijo Joint Powers Authority (San Elijo) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must imposed mandatory minimum penalties (MMP).
2. San Elijo discharged, into the Pacific Ocean, treated wastewater that is subject to numeric effluent limitations, contained in Order No. R9-2005-0100, NPDES Permit No. CA0107999 *Waste Discharge Requirement for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility Discharge to the Pacific Ocean Via the San Elijo Ocean Outfall, San Diego County.*

3. CWC Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. CWC Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
4. CWC Section 13385 also requires that an MMP of \$3,000 be imposed for each violation (i.e. any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) beginning with the fourth violations in any six-month period.

ALLEGATIONS

5. Between September 1, 2006 and September 1, 2007, the Dischargers reported effluent sampling results to the Regional Board, pursuant to the Monitoring and Reporting schedule for Order No. R9-2005-0100, documenting violations of effluent limitations prescribed by Order No. R9-2005-0100. See Attachment 1, *Summary of Reported Effluent Violations* and Attachment 2, *Copies of Laboratory Reports*.
6. Under CWC Section 13385 subdivisions (h) and (i), certain reported effluent violations are subject to mandatory penalties as determined by the following:
 - a. On September 7, 2006 San Elijo discharged effluent with a concentration of settleable solids at 6.0 ml/l, in violation of the instantaneous maximum effluent limitation of 3.0 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the effluent limitation for a Group I pollutant by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.
 - b. As a result of the high concentration of settleable solids discharged on September 7, 2006, the average settleable solids for the week of September 4 through 10, 2006 was calculated to be 2.2 ml/l, which violated the average weekly effluent limitation of 1.5 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the limitation by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.
 - c. On August 1, 2007 San Elijo discharged effluent with a concentration of settleable solids at 5.0 ml/l, which exceeded the instantaneous maximum effluent limitation of 3.0 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the limitation by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.

San Elijo Joint Powers Authority
Complaint No. R9-2008-0006

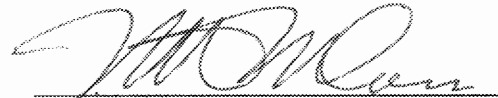
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May 16, 2008

PROPOSED CIVIL LIABILITY

7. Pursuant to CWC Sections 13385 (h) and (i), the Regional Board must impose mandatory minimum penalties in the amount of nine thousand dollars (\$9,000) on San Elijo Joint Powers Authority. Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 16th day May 2008
BY THE EXECUTIVE OFFICER



MICHAEL McCANN
Assistant Executive Officer

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer

- Attachments: 1. Summary of Effluent Violations
 2. Copies of Laboratory Reports

CIWQS Entries

Regulatory Measure 344319

Place ID 255265

Party ID 39664

Violation IDs: 711583, 711575, 711570, 449366, 449373

Attachment 1. Summary of Reported Effluent Violations

Complaint No. R9-2008-0006

**SAN ELIJO JOINT POWERS AUTHORITY
SAN ELIJO OCEAN OUTFALL**

Violation Date	Violation ID	Constituent	Effluent Violation	Unit	Permitted Limit	Reported Value	Serious Violation ^a	Mandatory Minimum Penalty
09/07/2006	449366	settleable solids	instantaneous maximum	ml/l	3.0	6.0	Yes	\$3,000
09/04/2006 through 09/10/2006	449373	settleable solids	weekly average	ml/l	1.5	2.2	Yes	\$3,000
07/26/2007	711575	pH	instantaneous maximum	s.u.	9.0	10.4	No	\$0
07/26/2007	711570	settleable solids	instantaneous maximum	ml/l	3.0	3.4	No	\$0
08/01/2007	711583	settleable solids	instantaneous maximum	ml/l	3.0	5.0	Yes	\$3,000
TOTAL PENALTY								\$9,000

^a CWC Section 13385(h)(1) requires that an MMP of \$3,000 be imposed for each serious violation. Serious violations are based on:

1. Settleable solids is a Group I pollutant. A serious violation occurs when the discharge exceeds Group I effluent limitations by 40 percent or more.

Complaint R9-2008-0006

Attachment 2: Copies of Laboratory Reports

SAN ELIJO JOINT POWERS AUTHORITY**DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY**

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: September 2006

ORDER NO: R9-2005-0100

REPORT DUE: November 1, 2006

COLLECTED BY: Chea

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: Chea

DATE	SETTLEABLE SOLIDS (Daily Grab)		TURBIDITY (Weekly Composite)	
	WEEKLY AVERAGE	DAILY VALUE	WEEKLY AVERAGE	DAILY VALUE
UNITS	ml/L	ml/L	NTU	NTU
REQT.	1.5	3.0	100	225
1		0.1		
2	0.1			
3				
4		0.1		
5		0.5		
6		2.5		2.5
7		6.0		
7		4.0		
8		0.1		
9	2.2		2.5	
10				
11		0.1		
12		0.1		
13		0.1		2.2
14		0.1		
15		0.1		
16	0.1		2.2	
17				
18		0.2		
19		0.1		
20		0.1		2.3
21		0.1		
22		0.1		
23	0.1		2.3	
24				
25		0.1		
26		0.2		
27		0.2		7.2
28		0.1		
29		0.2		
30	0.2		7.2	
31				
AVG		0.7		3.6
LIMIT		1.0		75
MAX	2.2	6.0	7.2	7.2

Complaint R9-2008-0006

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SAN ELIJO JOINT POWERS AUTHORITY

DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: July 2007

ORDER NO: R9-2005-0100

REPORT DUE: September 1, 2007

COLLECTED BY: RHC

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: RHC

DATE	INFLUENT FLOW ¹	EFFLUENT FLOW ²	EFFLUENT pH
TYPE	Continuous	Continuous	Daily Grab
UNITS	MGD	MGD	pH Units
1	3.199	1.789	
2	3.122	1.155	7.6
3	2.948	0.869	7.5
4	3.148	1.228	7.4
5	3.222	1.382	7.7
6	3.155	1.746	7.6
7	3.087	1.394	
8	3.241	1.905	
9	3.062	1.391	7.5
10	3.064	1.274	7.6
11	3.038	1.445	7.5
12	3.108	0.945	7.5
13	3.039	0.917	7.6
14	3.158	1.397	
15	3.197	1.936	
16	3.022	1.002	7.5
17	3.103	1.376	7.5
18	3.164	1.413	7.5
19	3.114	1.736	7.6
20	3.050	1.346	7.5
21	3.085	1.697	7.5
22	3.185	1.823	7.4
23	3.141	1.187	7.4
24	3.159	0.807	7.6
25	3.171	0.981	7.8
26	3.138	0.981	9.3
			10.4
			7.4
27	3.143	1.363	7.4
28	2.922	0.962	
29	3.046	1.491	
30	2.902	0.808	7.5
31	2.903	1.149	7.6
AVERAGE	3.098	1.319	7.7
MAXIMUM	3.241	1.936	10.4
MINIMUM			7.4

¹ Influent Flow Meter² The effluent flow is calculated by deducting the reclaimed water flow from the influent flow meter.

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SAN ELIJO JOINT POWERS AUTHORITY

DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: July 2007

ORDER NO: R9-2005-0100

REPORT DUE: September 1, 2007

COLLECTED BY: RHC

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: RHC

	SETTLEABLE SOLIDS (Daily Grab)		TURBIDITY (Weekly Composite)	
DATE	WEEKLY AVERAGE	DAILY VALUE	WEEKLY AVERAGE	DAILY VALUE
UNITS	ml/L	ml/L	NTU	NTU
REQT.	1.5	3.0	100	225
1				
2		0.2		
3		1.5		
4		0.3		6.8
5		0.2		
6		2.0		
7	0.8		6.8	
8				
9		0.2		
10		0.5		
11		0.1		3.7
12		0.1		
13		0.1		
14	0.2		3.7	
15				
16		0.2		
17		0.1		
18		0.1		
19		0.2		8.0
20		0.2		
21	0.2	0.1	8.0	
22		0.1		
23		0.1		
24		0.1		
25		0.5		8.5
26		3.4		
		0.1		
27		0.1		
28	0.6		8.5	
29				
30		0.1		
31				
AVG		0.4		6.7
LIMIT		1.0		75
MAX	0.8	3.4	8.5	8.5

SAN ELIJO JOINT POWERS AUTHORITY

To: CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court
San Diego, CA 92123-4340

DISCHARGER: San Elijo WRF

ORDER NO: R9-2005-0100

REPORT FOR: August 2007

REPORT DUE: October 1, 2007

REPORT FREQUENCY: Monthly

OUR REVIEW OF THE ATTACHED SELF MONITORING REPORT REVEALS THE FOLLOWING MONITORING VIOLATION(S):

On Wednesday, August 1, the settleable solids value for the grab sample was 5.0 ml/L, which exceeded the daily limit of 3.0 ml/L.

THE FOLLOWING REMEDIAL ACTION WILL BE (HAS BEEN) TAKEN TO CORRECT THE MONITORING VIOLATIONS LISTED ABOVE:

The high settleables value was caused by an overabundance of filamentous organisms due to overaeration. Operators added chlorine and polymer to the process to control the filaments, and the plant returned to compliance within one day.

Additionally, the SEJPA has completed design of the Performance Optimization of the Activated Sludge System and anticipates completion of construction in 2008.