

ENFORCEMENT SUMMARY REPORT
December 14, 2010

ITEM: 7

SUBJECT: Administrative Assessment of Civil Liability, Fallbrook Public Utility District, Mandatory Minimum Penalty for violations of Order No. R9-2006-0002. The San Diego Water Board will consider adoption of a tentative Order that would impose a \$3,000 mandatory minimum penalty recommended in Complaint R9-2010-0140 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2006-0002. The San Diego Water Board may approve or reject assessment of the recommended penalty. If the San Diego Water Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the San Diego Water Board will consider assessment of civil liability. (Tentative Order R9-2010-0147) (*Frank Melbourn*)

PURPOSE: The San Diego Water Board will consider Fallbrook Public Utility District's (Fallbrook PUD's) waiver of a right to a hearing and settlement offer to pay the recommended liability in full. The San Diego Water Board may approve or reject Fallbrook PUD's offer.

PUBLIC NOTICE: On October 6, 2010, Complaint No. R9-2010-0140 for Administrative Civil Liability (ACL) for Mandatory Minimum Penalties (MMPs) and its supporting documents were posted on the San Diego Water Board website and distributed to known interested parties. The public comment period ended November 24, 2010.

DISCUSSION: Fallbrook PUD owns and operates Wastewater Treatment Plant No. 1. Effluent discharged to the Pacific Ocean from Wastewater Treatment Plant No. 1 is subject to the San Diego Water Board's Order No. R9-2006-0002, NPDES No. CA0108031 (Order). The Order prescribes effluent limitations for the discharge of treated wastewater to the Pacific Ocean via the Oceanside Ocean Outfall.

On June 10, 2008, Fallbrook PUD reported an instantaneous maximum settleable solids effluent sampling result of 5.0 mL/L for May 6, 2008. This is a "serious violation" as defined by Water Code section 13385(h)(2) because the sampling result exceeds the effluent limitation by 40 percent or more. The settleable solids violation requires assessment of a mandatory minimum penalty of \$3,000 pursuant to Water Code section 13385(h).

On October 6, 2010, the Assistant Executive Officer issued Complaint No. R9-2010-0140 for Administrative Civil Liability for Mandatory Minimum Penalties to Fallbrook PUD pursuant to Water Code section 13385(h) in the amount of \$3,000 (Supporting Document No. 3). On October 29, 2010, the San Diego Water Board received the Fallbrook PUD's signed waiver of hearing form along with a check for \$3,000 in settlement of the Complaint (Supporting Document No. 4).

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Location Map
2. Tentative ACL Order No. R9-2010-0147
3. Complaint No. R9-2010-0140
4. Fallbrook PUD Waiver of Hearing

RECOMMENDATION: Adopt Tentative Administrative Civil Liability Order No. R9-2010-0147.