STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5427

ORDER NO. 00-131

A TIME SCHEDULE ORDER CONCERNING
LOS OSOS COMMUNITY SERVICES DISTRICT
In San Luis Obispo County

The California Regional Water Quality Control Board, Central Coast Region (Board), finds:

1. Los Osos Community Services District (hereafter CSD), owns and operates individual and community on-site sewage disposal systems that provide sewerage service to facilities discharging wastes within the Los Osos/Baywood Park area.

2. Sewage disposal facilities that were discharging as of October 27, 2000, consist of individual and community on-site sewage disposal systems located at the Bayridge Estates, Baywood Park Water Division, Baywood Park/Los Osos Fire District and Vista de Oro Subdivision (the discharges).

3. The discharges are subject to a prohibition of waste discharge from individual and community sewage disposal systems as specified in the Water Quality Control Plan, Central Coastal Basin (Basin Plan). The prohibition was adopted by the Board on September 16, 1983 as Resolution 83-13. The Basin Plan prohibition specifies, in part:

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   "3. Discharges from individual and community sewage disposal systems are prohibited effective November 1, 1988, in the Los Osos/Baywood Park area depicted in the Prohibition Boundary Map included as Attachment "A" of Resolution No. 83-13 which can be found in Appendix A-30."

4. On May 21, 1999, in San Luis Obispo, California, the Board held a public hearing and adopted Cease and Desist Orders finding that the discharges violated the Basin Plan Prohibition and establishing conditions for the County to achieve full compliance with the Basin Plan prohibition. Cease and Desist Order Nos. are as follows:

FACILITY	ORDER NO.
Bayridge Estates	99-53
Water Division	99-54
Fire District	99-55
Vista de Oro	99-56

5. Cease and Desist Order No. 99-53 requires the CSD to cease discharging to on-site disposal facilities serving Bayridge Estates, located at the terminus of Redwood Court and the west terminus of Encinas Drive, Los Osos, as shown on Attachment A of Cease and Desist Order No. 99-53. Cease and Desist Order No. 99-53 contains a time schedule with deadlines for achieving compliance with the Basin Plan Prohibition.

6. Cease and Desist Order No. 99-54 requires the CSD to cease discharging to on-site disposal facilities serving Baywood Park Water Division, located at the southeast corner of 8th Street and El Moro Avenue, Los Osos, as shown on Attachment A of Cease and Desist Order No. 99-54. Cease and Desist Order No. 99-54 contains a time schedule with deadlines

Exhibit A

for achieving compliance with the Basin Plan Prohibition.

7. Cease and Desist Order No. 99-55 requires the CSD to cease discharging to on-site disposal facilities serving Baywood Park/Los Osos Fire District, located at 2315 Bayview Heights Drive, Los Osos, as shown on Attachment A of Cease and Desist Order No. 99-55. Cease and Desist Order No. 99-55 contains a time schedule with deadlines for achieving compliance with the Basin Plan Prohibition.

8. Cease and Desist Order No. 99-56 requires the CSD to cease discharging to on-site disposal facilities serving Vista de Oro Subdivision, located adjacent to Pecho Road, Los Osos, as shown on Attachment A of Cease and Desist Order No. 99-56. Cease and Desist Order No. 99-56 contains a time schedule for achieving compliance with the Basin Plan Prohibition.

9. All four Cease and Desist Orders, No. 99-53, 99-54, 99-55 and 99-56 had identical time schedules for achieving compliance with the Basin Plan Prohibition. The CSD has violated deadlines prescribed by all four Cease and Desist Orders. The deadlines the CSD has violated are:

   "2. Submit proof of circulation of <u>draft</u> Environmental Impact Report by May 1, 2000."

   "3. Submit final California Environmental Quality Act (CEQA) document by July 30, 2000."

   "4. Submit proof of voter approval of Assessment District or securing comparable method of collection system and treatment plant financing by October 15, 2000."

10. The CSD has proposed to comply with the Cease and Desist Orders by implementing a wastewater management plan that includes construction of a wastewater collection system and a wastewater treatment plant to serve the Basin Plan Prohibition area in Los Osos. The CSD has submitted a time schedule, which indicates that they will not be able to implement the wastewater management plan and complete compliance with the Cease and Desist Orders for approximately four years. Therefore, there has been and there will be a continuing violation of the Cease and Desist Orders.

11. California Water Code Section 13308 authorizes the Board to establish a time schedule and prescribe a daily civil penalty, which shall become due if compliance is not achieved in accordance with that time schedule.

12. The time schedule established in this Order is based on the time schedule submitted by the CSD and approximately 30 days were added to the dates estimated by the CSD in order to provide reasonable time for contingencies.

13. The civil penalty established in this Order, $10,000 per day of violation of the time schedule, is established in an amount necessary to achieve compliance and does not include any amount intended to punish or redress previous violations. This amount is necessary to achieve compliance in light of the project cost, estimated to be $70 million dollars. The $10,000 per day of penalty would amount to a penalty equal to only 6 percent of the total project cost after an entire year of violation. Additionally, the history of delayed compliance with the Basin Plan Prohibition indicates that substantial inducement is necessary to assure that the CSD will achieve compliance. Furthermore, because the Board does not intend to punish or redress previous violations, this Order provides that the Board may extend the time for compliance for delays beyond the reasonable control of the CSD.

14. This action is taken to enforce an existing Basin Plan Prohibition and order for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13308 of the California Water Code, Los Osos Community Services District, shall comply with the following time schedule for implementation of a wastewater management plan for the Basin Plan prohibition area in Los Osos which will result in compliance with the Cease and Desist Orders.

Task	Completion Date
Submit proof of circulation of draft Environmental Impact Report	December 15, 2000
Submit final California Environmental Quality Act (CEQA) document	April 1, 2001
Submit proof of voter approval of assessment district or comparable means of financing community wastewater system	July 29, 2001
Submit approved complete construction design plans	July 15, 2002
Submit County Use and Coastal Development permits	July 15, 2002
Commence construction of the community sewer system	September 6, 2002
Complete construction of the community sewer system	August 30, 2004
Report on compliance (per California Water Code Section 13267)	Two weeks after each above date, as well as quarterly reports beginning January 15, 2001.

This Board reserves its jurisdiction to modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the CSD demonstrates and the Board determines that the delay was beyond the reasonable control of the CSD to avoid.

If the CSD fails to complete a task in compliance with the time schedule (or Board approved modification of the time schedule), the CSD shall be liable in the amount of $10,000 per day for each day in which the violation of the time schedule occurs.

ORDERED BY Paul Jorgensen
for Executive Officer

11-3-00
Date

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Exhibit A.