

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2008-0020
)	Mandatory Minimum Penalty
)	for
City of Simi Valley)	Violation of California Water Code § 13376
Simi Valley Water Quality Control Plant)	and
Simi Valley, California 93063)	Order Nos. R4-2003-0081 and R4-2003-0082 (NPDES No. CA0055221)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385, subdivisions (h) & (i) is issued to the City of Simi Valley (hereinafter Permittee) based on findings of violations of waste discharge requirements prescribed in Order Nos. R4-2003-0081 and R4-2003-0082 (NPDES No. CA0055221, CI No. 3021).

The Chief Deputy Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee operates the Simi Valley Water Quality Control Plant (hereinafter facility) located at 600 West Los Angeles Avenue in Simi Valley, California. The Permittee can discharge up to 12.5 million gallons per day (MGD) of tertiary-treated municipal wastewater from domestic, commercial, and industrial sources at the facility through Discharge Serial No. 001 (Latitude 34° 16' 56", Longitude 118° 48' 44"). The wastewater is susceptible of containing chloride, sulfate, trihalomethanes, total dissolved solids (TDS), turbidity and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows to Arroyo Simi, a navigable water of the United States.
2. On June 05, 2003, the Regional Board adopted Order No. R4-2003-0081, which serves as National Pollutant Discharge Elimination System (NPDES) permit establishing waste discharge requirements for the Permittee.
3. Because the Permittee could not immediately comply with the effluent limitations set forth for chloride in Order No. R4-2003-0081, on June 5, 2003, the Regional Board also adopted Order No. R4-2003-0082, a Time Schedule Order (TSO) prescribing interim limits for ammonia nitrogen, nitrate and nitrate as nitrogen, and chloride.
4. Order Nos. R4-2003-0081 (Part I.A.2, Pages 24-29) and R4-2003-0082 (Part 1, Pages 4-5) include the following effluent limitations for chloride, sulfate, TDS, residual chlorine and halomethanes:

May 22, 2008

Constituent	Unit of Measure	Discharge Limitations (Daily Maximum)	Discharge Limitations (Monthly Average)
Residual chlorine	mg/L	0.1 ^[1]	--
TDS	mg/L	--	850
TDS	lbs/day	--	88,580
Chloride*	mg/L	190	--
Chloride*	lbs/day	19,800	--
Sulfate	mg/L	--	250
Sulfate	lbs/day	--	26,100
Halomethanes	µg/L	--	80

mg/L = milligrams/liter; lbs/day = pounds/day; µg/L = micrograms/liter

[1] Residual chlorine concentration of up to 0.3 mg/L, at the point in treatment train immediately following dechlorination, shall not be considered violations of this requirement provided the total duration of such excursions do not exceed 15 minutes during any 24-hour period. Peaks in excess of 0.3 mg/L lasting less than 1 minute shall not be considered a violation of this requirement.

*Interim limits in TSO No. R4-2003-0082.

5. Order No. R4-2003-0081 (Part I.B.6 Page 30) includes the following effluent limitations for turbidity:

Constituent	Unit of Measure	Discharge Limitations
Turbidity	NTU	(a) Daily average = 2 NTUs (b) 5 NTUs more than 5% of the time during any 24 hour period.

NTU = nephelometric turbidity units

6. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.
7. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit quarterly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.
8. Twenty-eight (28) violations of Order Nos. R4-2003-0081 and R4-2003-0082 were noted in the Permittee's self-monitoring reports during the period October 2004 through August 2007. These violations include effluent limit exceedances for chloride, sulfate, TDS, turbidity, and trihalomethanes. The violations are identified in Table 1 attached hereto and incorporated herein by reference.

9. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC § 13385(h)(2) "a serious violation is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants.
10. CWC § 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.
11. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
12. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385(c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

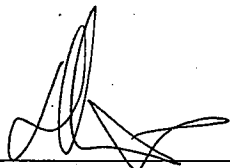
13. The Chief Deputy Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$75,000 for the violations described above. Refer to Table 1 for the calculation of the amount of mandatory minimum penalty.
14. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323, unless the Permittee waives the hearing and pays the recommended penalty. The Permittee will be notified of the date, time and location of the hearing at least ten (10) days prior to the hearing date.
15. The Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability in a greater amount.
16. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, to be received by the Regional Board by 5:00 pm on June 20, 2008. If the hearing is waived, the following options are available to satisfy the civil liability:

- a. A check in the amount of \$75,000 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver; or
- b. The Permittee may propose to pay up to \$45,000 of the civil liability by contributing to a SEP on the Regional Board approved SEP List. The approved SEP list is available at the Regional Board's web site at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/enforcement/sep_list.pdf

In the event that the Permittee elects to contribute to a SEP, a check in the amount of \$30,000 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver along with a written statement indicating the SEP chosen and proof of payment of the penalty balance to the SEP shall be submitted to the Regional Board by 5:00 pm on June 20, 2008.

17. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
18. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
19. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Deborah J. Smith
Chief Deputy Executive Officer
Los Angeles Regional Water Quality Control Board

May 22, 2008

WAIVER OF THE RIGHT TO A HEARING

By signing below and returning this Waiver, I hereby waive the right of City of Simi Valley to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2008-0020 (Complaint) issued by the Regional Board Chief Deputy Executive Officer. The City of Simi Valley understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

The City of Simi Valley elects to pay the civil liability in the following manner [check the relevant box]:

Enclosed herewith in full payment of the civil liability is a \$75,000 check payable to "State Water Pollution Cleanup and Abatement Account."

Or

Enclosed herewith are a \$30,000 check payable to "State Water Pollution Cleanup and Abatement Account" and proof of payment of at least \$45,000 to a Supplemental Environmental Project (SEP) listed on the Regional Board's approved SEP list.

The City of Simi Valley understands that this Waiver gives up the rights to argue against the allegations made by the Chief Deputy Executive Officer in this Complaint and against imposition of, and the amount of, civil liability imposed. The City of Simi Valley also understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment in full will be due thirty days after the date of the adoption of the Order.

I hereby affirm that I am duly authorized to act on behalf of and to bind The City of Simi Valley in the making and giving of this Waiver.

The City of Simi Valley

Date: _____

By: _____

(Signed name)

(Printed or typed name)

Position: _____