

California Regional Water Quality Control Board  
North Coast Region

COMPLAINT NO. R1-2002-0049

FOR

MANDATORY PENALTIES  
IN THE MATTER OF VIOLATIONS OF  
WASTE DISCHARGE REQUIREMENTS

STATE BOARD ORDER NO. 2000-02  
NPDES NO. CA0022764

CITY OF SANTA ROSA, LAGUNA SUBREGIONAL WASTEWATER TREATMENT,  
REUSE, AND DISPOSAL FACILITIES

Sonoma County

This complaint to assess Mandatory Penalties pursuant to Water Code Section 13385 is issued to the City of Santa Rosa (hereinafter referred to as Discharger), for the Laguna Subregional Wastewater Treatment, Reuse, and Disposal Facilities based on a finding of violations of Waste Discharge Requirements Order No. 2000-02 (NPDES No. CA0022764) for the period July 1, 2000-June 30, 2001.

The Executive Officer of the Regional Water Board finds the following:

1. On August 26, 1998, the Regional Water Quality Control Board, North Coast Region (hereinafter referred to as Regional Water Board), adopted Waste Discharge Requirements Order 98-84, NPDES No. CA0022764 (hereinafter referred to as Order 98-84), for the City of Santa Rosa, Laguna Subregional Wastewater Treatment, Reuse, and Disposal Facilities to regulate discharges of waste from the Discharger's wastewater collection, treatment and disposal system. On March 1, 2000, the State Water Resources Control Board revised this permit by adopting Waste Discharge Requirements Order No. R1-2000-02 (hereinafter referred to as Order No. R1-2000-02), NPDES No. CA0022764.
2. California Water Code Section 13385(h)(2) states that a serious violation occurs if the discharge from a facility regulated by an NPDES Permit exceeds the effluent limitations for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 Code of Federal Regulations, by 40 percent or more. California Water Code Section 13385(h)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.

3. California Water Code Section 13385(i)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six-month period.
4. California Water Code Section 13385(i)(2) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six month period:
  - Exceeds a waste discharge requirement effluent limitation;
  - Fails to file a report pursuant to Section 13260;
  - Files an incomplete report pursuant to Section 13260; or
  - Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
5. Order No. R1 2000-0049 includes Effluent Limitation B.1, which establishes the following applicable effluent limitations:

Constituent	Units	30-Day Average	7-Day Average	Daily Maximum
Total Coliform Organisms	MPN/100ml		2.2*	23

\*7-day Median

6. According to the Discharger's October 2000 Monthly Self-Monitoring Reports (submitted by the Discharger on November 9, 2000), the discharge violated effluent limitations as follows:

Serious Violations

None

Chronic Violations

October 16, 2000, daily total coliform organisms measured 50 MPN/100ml  
 October 20, 2000, daily total coliform organisms measured 240 MPN/100ml  
 October 22, 2000, weekly median total coliform organisms measured 8 MPN/100ml  
 October 23, 2000, weekly median total coliform organisms measured 4 MPN/100ml  
 October 24, 2000, weekly median total coliform organisms measured 4 MPN/100ml  
 October 25, 2000, weekly median total coliform organisms measured 4 MPN/100ml  
 October 26, 2000, weekly median total coliform organisms measured 4 MPN/100ml  
 October 28, 2000, weekly median total coliform organisms measured 4 MPN/100ml

8. Coliform bacteria is not a Group I or Group II pollutant.
9. In accordance with California Water Code Section 13385(i)(2) a mandatory penalty of three thousand dollars (\$3,000) must be assessed for each violation, beginning with the fourth violation, of a chronic nature occurring within a six-month period. The total amount of the mandatory penalty for the chronic effluent violations listed in Finding No. 6 above is \$15,000. This includes \$3,000 for the coliform violations that occurred on October 23rd, 24<sup>th</sup>, 25th, 26th, and 28<sup>th</sup>.
10. The total amount of the mandatory penalties for violations occurring during the period July 1, 2000, through June 30, 2001, is \$15,000.
11. Due to the nature of these violations and the lack of any long-term impact to beneficial uses from these violations, administrative civil liabilities in addition to the mandatory minimum penalties are not appropriate for these effluent violations.

**THE CITY OF SANTA ROSA IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Water Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$15,000.
2. The Regional Water Board shall hold a hearing on June 27, 2002, to consider imposing this penalty unless the Discharger agrees to waive the hearing and pay the mandatory penalty if \$15,000 in full.
3. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board's office at the letterhead address, by May 31, 2002. If paid, the Waiver will not be effective until after the conclusion of a thirty-day public comment period, which would commence on May 31, 2002.

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Susan A. Warner  
Executive Officer

April 30, 2002