



California Regional Water Quality Control Board

Lahontan Region



CLC

Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
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www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

June 16, 2009

Richard Rowe, City Manager
City of Barstow
220 E. Mountain View St. Suite A
Barstow, CA 92311

NOTICE OF VIOLATION OF WASTE DISCHARGE REQUIREMENTS AND CALIFORNIA WATER CODE SECTION 13267, CITY OF BARSTOW WASTEWATER TREATMENT PLANT, BARSTOW, SAN BERNARDINO COUNTY, W DID NO. 6B360101001

The purpose of this Notice of Violation is to inform the City of Barstow (City) that it is violating Board Order No. 6-94-26 and California Water Code Section 13267 for sampling without an approved Sampling and Analysis Plan. The violations were verified during a joint State Water Resources Control Board (State Water Board) and Lahontan Regional Water Quality Control Board (Water Board) investigation of the City's groundwater monitoring program associated with its wastewater treatment facility. A summary of the violations is provided below.

SUMMARY OF VIOLATIONS

The City of Barstow has and continues to violate the following waste discharge requirements, specified by Board Order No. 6-94-26:

- D.1 "Pursuant to the California Water Code Section 13267(b), the Discharger shall comply with the Monitoring and Reporting Program No. 94-26 as specified by the Executive Officer."

Monitoring and Reporting Program No. 94-26, Requirement No. II.A. requires:

- II.A. "The Discharger shall comply with "General Provisions for Monitoring and Reporting," dated July 1, 2003, which is attached to and made part of this Monitoring Program.

General Provisions for Monitoring and Reporting require:

- 1.d "The Discharger shall establish chain-of-custody procedures to ensure that specific individuals are responsible for sample integrity from commencement

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of sample collection through delivery to an approved laboratory. Sample collection, storage and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.

During the groundwater monitoring program investigation, State and Lahontan Water Board staffs discovered that the City did not have an approved SAP, nor were chain-of-custody procedures being followed. These conditions (i.e., failure to comply with Monitoring and Reporting Program No. 94-26) constitute violations of Board Order No. 6-94-26, and subsequently Water Code section 13267.

These violations are a serious matter, as the validity of the monitoring results since at least 2003 is now questionable. The Lahontan Water Board relies upon valid data to evaluate the City's compliance with Board Order No. 6-94-26, and to evaluate the water quality impacts of the City's wastewater discharge. The Lahontan Water Board is authorized to administratively impose civil liability of up to \$1000 per day per violation in response to the above-referenced violations. Lahontan Water Board staff strongly recommends that the City develop and begin implementing a SAP and chain-of-custody procedures as soon possible. The maximum amount of liability associated with these violations is continuing to increase and will do so until the City complies with the above-referenced requirements.

REQUIRED ACTION

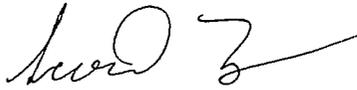
Submit to the Lahontan Water Board's Victorville and South Lake Tahoe offices copies of the City's SAP and chain-of-custody procedures. These documents are to be delivered to the Lahontan Water Board at the addresses identified below, by **July 17, 2009**.

Lahontan Regional Water Quality Control Board
Attn: Cindi Mitton
14440 Civic Drive, Suite 200
Victorville, CA 92392

Lahontan Regional Water Quality Control Board
Attn: John Steude
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Be aware that nothing in this Notice of Violation releases the City of its obligations to comply with Board Order No. 6-94-26, nor does anything in this Notice of Violation affect the Lahontan Water Board's and State Water Board's authorization to take enforcement action against the City for past violations associated with the City's monitoring program.

Please contact John Steude at (530) 542-5571 or me at (530) 542-5432 if you have any questions regarding these matters.



Scott Ferguson, Chief
Enforcement and Special Projects Unit

cc: Mark Murphy/City of Barstow
Belinda Barbour/City Barstow
Mike Perales/United Water-AOS
Chris Krall/RGS Engineering Geology
Christina Byrne
R. Glenn Yabuno, /San Bernardino Co. Dist. Attorney's Office
Mayumi Okamoto/State Water Resource Control Board, Office of Enforcement
Cindi Mitton/Lahontan Regional Water Quality Control Board
Mike Plaziak/Lahontan Regional Water Quality Control Board
Chuck Curtis/Lahontan Regional Water Quality Control Board

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