

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**FALLBROOK PUBLIC UTILITY DISTRICT
WASTEWATER TREATMENT PLANT NO. 1
SAN DIEGO COUNTY, CALIFORNIA
WDID NO. 9 000000115**

**NONCOMPLIANCE WITH ORDER NO.
R9-2000-0012, NPDES NO. CA0108031,
DISCHARGE TO THE PACIFIC OCEAN VIA
THE OCEANSIDE OCEAN OUTFALL**

)
)
) **COMPLAINT NO. R9-2003-0384**
) **FOR**
) **ADMINISTRATIVE CIVIL LIABILITY**
) **WITH**
) **MANDATORY MINIMUM PENALTIES**

)
) **DECEMBER 19, 2003**
)
)

FALLBROOK PUBLIC UTILITY DISTRICT, IS HEREBY GIVEN NOTICE THAT:

1. Fallbrook Public Utility District (Fallbrook PUD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on February 11, 2004, at the District Board Room, Rancho California Water District, 42135 Winchester Road, Temecula, California. The meeting will begin at 9:00 a.m. At the hearing, Fallbrook PUD will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to Fallbrook PUD prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. During the period from September 2002 through April 2003, Fallbrook PUD violated Order No. R9-2000-0012, NPDES NO. CA01080301, *Waste Discharge Requirements for the Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharge to the Pacific Ocean via the Ocean Outfall*. These violations are due to effluent limit exceedances of Total Suspended Solids (TSS) and Total Chlorine Residual (TCR) as reported in the Discharger Self-Monitoring Reports during this time period.

5. The following facts are the basis for the alleged violations in this matter:

Fallbrook PUD is authorized pursuant to Order No. R9-2000-0012 to discharge an average dry weather flowrate of 2.7 million gallons per day (MGD) of tertiary treated wastewater to the Pacific Ocean through the Oceanside Ocean Outfall. Treatment Plant No. 1 is located at 1425 South Alturas Street in Fallbrook, adjacent to Fallbrook Creek. Order No. R9-2000-0012 was adopted on February 9, 2000. Table 1 (attached) summarizes the discharge limitations set forth in Order No. R9-2000-0012 and the violations by Fallbrook PUD during the period in question.

6. Under Water Code section 13385(h) and (i), the amount of the mandatory minimum penalty that must be assessed is \$99,000, as determined by the following:

- a. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation.

Nine serious violations are assessed \$3,000 per violation, giving a subtotal of \$27,000 for serious violations.

- b. Water Code Section 13385(i)(1) requires the Regional Board to assess a mandatory minimum 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 period of six consecutive months:

- Violates a waste discharge requirement effluent limitation.
- Fails to file a report pursuant to Water Code Section 13260.
- Files an incomplete report pursuant to Water Code Section 13260.
- Violates a toxicity discharge limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

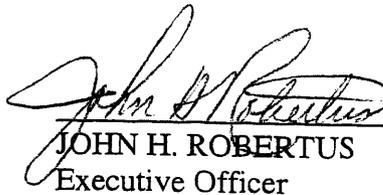
Twenty-five chronic violations, twenty-four of which are assessed \$3,000 per violation, giving a subtotal of \$72,000 for chronic violations.

- c. The total of thirty-four violations (nine serious and twenty-five chronic) are assessed \$3,000 per violation, except for the first chronic violation, giving a total mandatory minimum penalty of \$99,000 for these violations.

PROPOSED CIVIL LIABILITY

7. Pursuant to Section 13385 (h) and (i) of the Water Code, mandatory minimum penalty should be imposed on Fallbrook PUD by the Regional Board in the amount of \$99,000, the amount of the mandatory minimum penalty, for the above violations.

Dated this 19th day of December 2003



JOHN H. ROBERTUS
Executive Officer

Table 1.
Violation Summary for Fallbrook PUD, Plant No. 1 (June 2002 through April 2003)

Date	Violation	Viol. ID No.	Permit Limit	Report Value	Ratio Report to Permit	Pollutant Category	Chronic or Serious	Penalty
1 06/04/2002	CBOD any time max	118669	45 mg/L	51.7 mg/L	1.15	CAT1	Chronic	\$0
2 06/04/2002	TSS any time max	118667	50 mg/L	79 mg/L	1.58	CAT1	Serious	Previous MMP
3 09/12/2002	TSS any time max	136566	50 mg/L	78 mg/L	1.56	CAT1	Serious	\$3,000
4 11/22/2002	TCR any time max	136567	5,000 ug/L	5,300 ug/L	1.06	CAT2	Chronic	\$3,000
5 11/23/2002	TCR any time max	136568	5,000 ug/L	5,600 ug/L	1.12	CAT2	Chronic	\$3,000
6 11/25/2002	TCR any time max	136576	5,000 ug/L	6,000 ug/L	1.20	CAT2	Serious	\$3,000
7 12/21/2002	TCR any time max	136571	5,000 ug/L	5,500 ug/L	1.10	CAT2	Chronic	\$3,000
8 12/21/2002	TCR any time max	136577	81 lbs/day	84.5 lbs/day	1.04	CAT2	Chronic	\$3,000
9 12/22/2002	TCR any time max	136573	5,000 ug/L	5,400 ug/L	1.08	CAT2	Chronic	\$3,000
10 12/22/2002	TCR any time max	136578	81 lbs/day	82.3 lbs/day	1.02	CAT2	Chronic	\$3,000
11 12/30/2002	TCR any time max	136574	5,000 ug/L	5,300 ug/L	1.06	CAT2	Chronic	\$3,000
12 12/30/2002	TCR any time max	136579	81 lbs/day	83.2 lbs/day	1.03	CAT2	Chronic	\$3,000
13 01/13/2003	TCR any time max	152962	5,000 ug/L	6,100 ug/L	1.22	CAT2	Serious	\$3,000
14 01/13/2003	TCR any time max	152967	81 lbs/day	93.0 lbs/day	1.15	CAT2	Chronic	\$3,000
15 01/19/2003	TCR any time max	156910	5,000 ug/L	5,300 ug/L	1.06	CAT2	Chronic	\$3,000
16 01/21/2003	TCR any time max	156912	5,000 ug/L	5,400 ug/L	1.08	CAT2	Chronic	\$3,000
17 02/03/2003	TCR any time max	152964	5,000 ug/L	5,200 ug/L	1.04	CAT2	Chronic	\$3,000
18 02/04/2003	TCR any time max	156933	5,000 ug/L	5,200 ug/L	1.04	CAT2	Chronic	\$3,000
19 02/10/2003	TCR any time max	152968	81 lbs/day	107.5 lbs/day	1.33	CAT2	Serious	\$3,000

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20 02/10/2003	TCR any time max	156936	5,000 ug/L	7,400 ug/L	1.48	CAT2	Serious	\$3,000
21 02/11/2003	TCR any time max	156938	5,000 ug/L	6,600 ug/L	1.32	CAT2	Serious	\$3,000
22 02/11/2003	TCR any time max	156959	81 lbs/day	106.4 lbs/day	1.31	CAT2	Serious	\$3,000
23 02/16/2003	TCR any time max	156941	5,000 ug/L	6,100 ug/L	1.22	CAT2	Serious	\$3,000
24 02/16/2003	TCR any time max	156960	81 lbs/day	92.3 lbs/day	1.14	CAT2	Chronic	\$3,000
25 02/18/2003	TCR any time max	156944	5,000 ug/L	6,300 ug/L	1.26	CAT2	Serious	\$3,000
26 02/18/2003	TCR any time max	156961	81 lbs/day	96.9 lbs/day	1.19	CAT2	Chronic	\$3,000
27 02/23/2003	TCR any time max	156947	5,000 ug/L	5,900 ug/L	1.18	CAT2	Chronic	\$3,000
28 02/23/2003	TCR any time max	156962	81 lbs/day	88.7 lbs/day	1.10	CAT2	Chronic	\$3,000
29 03/13/2003	TCR any time max	152966	5,000 ug/L	5,300 ug/L	1.06	CAT2	Chronic	\$3,000
30 03/13/2003	TCR any time max	152969	81 lbs/day	84.5 lbs/day	1.04	CAT2	Chronic	\$3,000
31 03/18/2003	TCR any time max	156957	5,000 ug/L	5,100 ug/L	1.02	CAT2	Chronic	\$3,000
32 03/18/2003	TCR any time max	156982	81 lbs/day	92.0 lbs/day	1.14	CAT2	Chronic	\$3,000
33 03/23/2003	TCR any time max	156958	5,000 ug/L	5,300 ug/L	1.06	CAT2	Chronic	\$3,000
34 03/23/2003	TCR any time max	156985	81 lbs/day	97.0 lbs/day	1.19	CAT2	Chronic	\$3,000
35 04/08/2003	TCR any time max	153939	5,000 ug/L	5,100 ug/L	1.02	CAT2	Chronic	\$3,000
Total \$99,000								