



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

April 4, 2008

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater Authority  
34156 Del Obispo Street  
Dana Point, California 92629

In reply refer to:  
**NCR:01-0175:jcofran**

Dear Mr. Rosales:

**SUBJECT: Notice of Violation of Order No. R9-2006-0054, NPDES No. CA0107417; Review of Self Monitoring Reports**

**FACILITY: San Juan Creek Ocean Outfall (multiple facilities)**

The Regional Board has reviewed the following monitoring reports for the facility referenced above:

MONITORING REPORTS REVIEWED FOR ORDER No. R9-2006-0054			
FREQUENCY	PERIOD/ SUBJECT	REPORT DATE	DATE RECEIVED
Monthly:	January 2008	February 28, 2008	February 29, 2008
	February 2008	March 27, 2008	March 28, 2008

The Regional Board has identified the following violations and included the following comments:

- **Violations of Monitoring and Reporting Program, Attachment E, Section IV.C**
1. January 2008 Monthly Monitoring Report/ South Coast Water District Groundwater Recovery Facility: The Monitoring and Reporting Program for Order No. R9-2006-0054 requires that total suspended solids and turbidity be sampled monthly. Analytical results for total suspended solids and turbidity were not reported for the month of January 2008.
  2. February 2008 Monthly Monitoring Report/ South Coast Water District Groundwater Recovery Facility: The Monitoring and Reporting Program for Order No. R9-2006-0054 requires that a representative sample of effluent be collected monthly to monitor for total suspended solids, turbidity, oil and grease, pH, and settleable solids. Analytical results for total suspended solids, turbidity, oil and grease, pH, and settleable solids were not reported for a representative sample collected in February 2008.

- **Violation of Monitoring and Reporting Program, Attachment E, Section V.A**

3. October 2006 to January 2008 Monthly Monitoring Reports/ San Juan Creek Ocean Outfall: The Monitoring and Reporting Program of Order No. R9-2006-0054 requires that acute toxicity testing shall be performed using either a marine fish or invertebrate species. According to the October 2006 to January 2008 Monthly Monitoring Reports, the fathead minnow, a freshwater fish, was used for acute toxicity testing, instead of the required marine fish or invertebrate species.

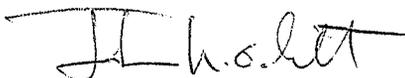
- **Comment**

4. At the this time, there is insufficient information to reach a conclusion regarding the contribution, if any, that the discharge is having on the bacteria levels in the near shore. Total coliform, fecal coliform, and/or enterococcus concentrations at a few of the surf zone stations exceeded the receiving water quality standards set forth in Order No. R9-2006-0054, Section V.A.1 for the period of January 2008.

Please take steps to ensure that the violations noted above do not occur in the future. Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the Regional Board including a time schedule order, cease and desist order, cleanup and abatement order, imposition of administrative civil liability, referral to the district attorney for criminal prosecution, or referral to the attorney general. Administrative civil liability amounts that may be imposed by the Regional Board under authority of CWC Section 13385 include up to \$10,000 per day, or up to \$10 per gallon for each gallon of waste discharged

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. If you have any questions regarding the above, please contact Ms. Joann Cofrancesco at (858) 637-5589 or [jcofrancesco@waterboards.ca.gov](mailto:jcofrancesco@waterboards.ca.gov).

Respectfully,



JOHN R. ODERMATT, Senior Engineering Geologist  
Northern Core Regulatory Unit

JRO:jlc

Violations: (1) 737547; (2) 739230, 739231, 739232, 739233, 739234, 739235, 739236, 739237, 739238, 739239, 739240, 739241, 739242, 739243, 739244, 739245, and 743072; (3) 743159

Enforcement (NOV): 342603