
San Diego Regional Water Quality Control Board

April 8, 2016

Via Email Only

Mr. Brennon Flahive
Director of Environmental Compliance
South Orange County Wastewater Authority
34156 Del Obispo Street
Dana Point, California 92629
bflahive@socwa.com

In reply refer to / attn:
257592:JLLim

**Subject: Staff Enforcement Letter for South Orange County Wastewater Authority,
San Juan Creek Ocean Outfall, Order No. R9-2012-0012, NPDES No.
CA0107417**

Mr. Flahive:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the following self-monitoring reports (SMRs) and technical reports submitted between January 2015 and January 2016 for the facilities associated with the San Juan Creek Ocean Outfall:

- Monthly SMRs – September 2015 through January 2016
- Quarterly SMRs – July 2015 through December 2015
- Semi-Annual SMRs – July 2015 through December 2015
- Annual SMRs – January 2015 through December 2015

The following is a summary of the San Diego Water Board's findings:

1. Violations – Failure to use appropriate Minimum Levels (MLs), Attachment E, Section X.B.4

In accordance with Attachment E, section X.B.4, the South Orange County Wastewater Authority (Discharger) shall not use a minimum level (ML) that is greater than that specified in Appendix II of the Ocean Plan. For the following parameters, the Discharger reported a ML that is greater than the ML specified in Appendix II of the Ocean Plan and greater than the effluent limitation/performance goal identified in section IV.A:

- a. The ML for dieldrin in Appendix II of the Ocean Plan is listed as 0.01 ug/L using the Gas Chromatography (GC) Method; in comparison, the 2015 Semi-Annual SMR's reported an ML of 0.02 ug/L.
- b. The ML for hexachlorobenzene in Appendix II of the Ocean Plan is listed as 1 ug/L using the Gas Chromatography/ Mass Spectrometry (GCMS) Method; in comparison, the 2015 Semi-Annual SMR's reported an ML of 5 ug/L.
- c. The ML for toxaphene in Appendix II of the Ocean Plan is listed as 0.5 ug/L using the GC Method; in comparison, the 2015 Semi-Annual SMR's reported an ML of 1 ug/L.

2. Violation – Effluent Violation of Discharge Specification, Section IV.A.1.a

- a. On October 10, 2015, the total suspended solids (TSS) weekly average (mean) was reported as 3,061 lb/day, exceeding the limit of 2,252 lb/day at Monitoring Location M-001C.
- b. On October 10, 2015, the TSS weekly average (mean) was reported as 166 mg/L, exceeding the limit of 45 mg/L at Monitoring Location M-001C.ⁱ
- c. On October 10, 2015, the carbonaceous biochemical oxygen demand (CBOD) weekly average was reported as 99 mg/L, exceeding the limit of 40 mg/L at Monitoring Location M-001C.ⁱ
- d. On October 31, 2015, the TSS monthly mean was reported as 44 mg/L, exceeding the limit of 30 mg/L at Monitoring Location M-001C.ⁱ
- e. On October 31, 2015, the CBOD monthly average (Mean) was reported as 27 mg/L, exceeding the limit of 25 mg/L at Monitoring Location M-001C.ⁱⁱ
- f. On November 27, 2015, the settleable solids instantaneous maximum was reported as 5.0 ml/L/hr, exceeding the limit of 3.0 ml/L/hr at Monitoring Location M-001D.ⁱ
- g. On November 27, 2015, the settleable solids instantaneous maximum was reported as 20.0 ml/L, exceeding the limit of 3.0 ml/L at Monitoring Location M-001D.ⁱ
- h. On November 27, 2015, the settleable solids instantaneous maximum was reported as 8.5 mg/L, exceeding the limit of 3.0 mg/L at Monitoring Location M-001D.ⁱ
- i. On November 28, 2015, the settleable solids weekly average (mean) was reported as 3.7 ml/L, exceeding the limit of 1.5 ml/L at Monitoring Location M-001D.ⁱ
- j. On November 30, 2015, the settleable solids monthly average (mean) was reported as 1.4 ml/L, exceeding the limit of 1.0 ml/L at Monitoring Location M-001D.ⁱ

3. Violation – Proper Operation and Maintenance, Attachment D, Section I.D

- a. December 7, 2015, there was a spill of 300 gallons containing J- tube at Monitoring Location M-001A. It is noted that the spill was contained and did not leave the facility boundary.

4. Violation – Failure to Monitor, section VI.C.2.b.iv

- a. In accordance with section VI.C.2.b.iv, the Discharger is required to include a detailed summary of facility spills, or to report "No Facility Spill Events," in the monthly SMR for that calendar month. The following reports do not mention whether there were facility spills or not:
 - i. September 2015 Monthly SMR.
 - ii. October 2015 Monthly SMR.
 - iii. November 2015 Monthly SMR.
 - iv. January 2016 Monthly SMR.
- b. In accordance with section VI.C.2.b.iv, the Discharger is required to include a detailed summary of spills in the monthly SMR for the month in which the spill occurred. The December monthly report did not include the summary of the December 7, 2015 spill at Monitoring Location M-001A.

5. Comment – Chlorine Monitoring Requirement, Attachment E, Table 4

- a. Total residual chlorine monitoring is required once per day at Monitoring Location M-001 when the treatment units that are subject to Order No. R9-2011-0016 use chlorine for disinfection. Please indicate in report whether or not chlorine was used for disinfection.

6. Comment – Surface Water Limitations, Section V.1

- a. On January 7, 2015, the fecal coliform Single Sample at Monitoring Location A5-Mid was reported to be 700 MPN/100mL, exceeding the receiving water limitation of 400 MPN/100mL.

Pursuant to the California Water Code (CWC), the violations noted are subject to additional enforcement action(s) by the San Diego Water 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 San Diego Water 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.

In the subject line of any response, please include the reference "257592:JLLim". For questions or concerns regarding this letter, please contact Joann Lim at 619-521-3362 or joann.lim@waterboards.ca.gov.

Respectfully,



Dat Quach, P.E.
Water Resources Control Engineer
Source Control Unit

Tech Staff Info & Use	
Order No.	R9-2012-0012
Party (CIWQS) ID	41388
File No.	01-175
WDID	9 000000175
NPDES No.	CA0107417
Reg. Measure ID	404541 (R9-2012-0012), 404541 (SEL)
Place ID	257592 (San Juan Creek Ocean Outfall), 241540 (SOCWA 3A Reclamation Plant, M-001C), 255218 (City of San Clemente Water Reclamation Plant – M-001D)
Person ID	350937 (Flahive)

Violations IDs:

1a 1004534
2a 999921
2b 999920
2c 999919
2d 999918
2e 999917
2f 1000883
2g 1000884
2h 1000885
2i 1000886
2j 1000887
3a 1005114
4a.i 1005110
4a.ii 1005111
4a.iii 1005750
4a.iv 1005112
4b 1004661

ⁱ Pursuant to California Water Code (CWC) section 13385(h)(1), a mandatory minimum penalty of three thousand dollars shall be assessed for each "serious violation."

ⁱⁱ Pursuant to CWC section 13385(i)(1), a mandatory minimum penalty of three thousand dollars shall be assessed whenever a violation occurs four or more times in any period of six consecutive months.