

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 2, 2005

Prepared October 25, 2005

ITEM: 19

SUBJECT: MANDATORY MINIMUM PENALTY ORDER NO. R3-2005-0120; SAN SIMEON COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT

KEY INFORMATION

Location: Balboa Avenue, San Simeon, San Luis Obispo County
Discharge Type: Effluent from community WWTP
Current Flow Rate: Approximately 90,000 gallons per day (gpd)
Design Capacity: 200,000 gpd
Disposal: Via outfall and diffuser to Pacific Ocean
Recycling: None
Existing Order: WDR Order No. R3-2002-0046 (NPDES Permit No. CA0047961)

SUMMARY

San Simeon Community Services District (hereafter Discharger) committed eight NPDES Permit effluent violations in the period January 1, 2005, through June 30, 2005. Proposed Stipulated Order No. R3-2005-0120 (Attachment No. 1) assesses mandatory minimum penalties of \$24,000, in accordance with California Water Code Section 13385. The Order directs \$19,500 of the mandatory penalty to a Supplemental Environmental Project to construct tertiary treatment facilities to produce recycled water and eliminate a portion of the subject discharge to the Pacific Ocean. The Discharger waived its right to a hearing on October 25, 2005.

disinfection, and dechlorination. Effluent is discharged to the Pacific Ocean via a 900-foot long outfall and diffuser system, to a water depth of approximately 20 feet. The minimum initial dilution of the discharge is 115:1 (seawater:effluent). This discharge is regulated by Waste Discharge Requirements Order No. R3-2002-0046, NPDES Permit No. CA0047961 (hereafter Permit).

The Discharger contracts operations of the Wastewater Treatment Plant to private companies. ECO Resources of Pleasanton, California began operating the Wastewater Treatment Plant on June 1, 2004.

DISCUSSION

Facility Description. The Discharger's Wastewater Treatment Plant processes approximately 100,000 gpd of domestic wastewater from the small community of San Simeon and the Hearst Castle Visitor Center. The wastewater treatment system includes comminution, activated sludge, sedimentation,

Violations

According to the Discharger's monitoring reports, the Discharger committed the following violations of Permit effluent limitations in the period January 1, 2005, through June 30, 2005:

#	Violation Date	Constituent	Permitted Limit	Reported Value	Violation Type
1	1/7/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic
2	1/18/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic
3	1/25/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic
4	3/1/05	Total Coliform	230 MPN/100 mL Daily Maximum	>1600 MPN/100 mL	Chronic
5	3/26/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	8 mg/L	Serious
6	5/13/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	6.80 mg/L	Serious
7	6/7/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic
8	6/28/05	Settleable Solids	1.5 mL/L 7-Day Average	1.75 mL/L	Chronic

The Discharger has made efforts recently to address continuing effluent violations. The Discharger hired Boyle Engineering to identify several immediate, short-term, and long-term improvements to bring the Wastewater Treatment Plant back into compliance. Boyle recommends the following immediate improvements:

- Retrofit clarifier launders with V-notch weirs;
- Replace flights and baffling in clarifiers;
- Replace skimmers;
- Reconfigure return activated sludge (RAS) pump piping;
- Add inlet manifolds on RAS pump inlets;
- Repair or replace valves/gates in aeration basins;
- Improve screening in the chlorine contact chamber;
- Improve headworks to provide baseline flow to treatment process;
- Install influent flow metering;
- Improve site drainage; and
- Install mechanisms to transfer sludge and supernatant from digester.

On September 27, 2005, the Discharger passed a resolution declaring an emergency condition and "authorizing immediate expenditure of public money to safeguard public health and safety" for these immediate improvements. Staff continues to work closely with the Discharger to ensure the Discharger makes these improvements.

Mandatory Penalties. The Discharger committed two serious violations in the period January 1, 2005, through June 30, 2005. The mandatory penalty amount for the serious violations (2 x \$3,000) is \$6,000.

The Discharger committed six chronic violations in the period January 1, 2005, through June 30, 2005. California Water Code section 13385(i) requires the Central Coast Water Board to assess a mandatory minimum penalty of \$3,000 for each chronic violation. The mandatory penalty amount of for the chronic violations (6 x \$3,000) is \$18,000.

The total amount of the mandatory penalty for violations occurring in the period January 1, 2005, through June 30, 2005, is \$24,000 (\$6,000 + \$18,000).

Complaint No. R3-2005-0120. The Executive Officer issued Mandatory Penalty Complaint No. R3-2005-0120 (Attachment No. 2) on September 19, 2005, pursuant to California Water Code Section 13385. The Complaint proposed imposing a mandatory penalty in the amount of \$24,000.

Supplemental Environmental Project. California Water Code section 13385(l) states:

"(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the...regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be

expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project (SEP) may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000)."

In this case, the portion of the penalty amount that may be directed to an SEP is \$19,500.

In a letter dated October 12, 2005, the Discharger requested \$19,500 of these mandatory penalties be directed towards a SEP to install tertiary treatment facilities, to produce recycled water and eliminate a portion of its discharge to the Pacific Ocean. This project is above and beyond the obligations of the Discharger; the Discharger's permit requires secondary treatment and disinfection, not tertiary treatment. Caltrans has installed purple distribution piping near San Simeon and would like to use the recycled water to irrigate the median of Highway 1. The project will cost at least \$200,000. The Central Coast Water Board approved directing \$79,500 towards this SEP when it approved Mandatory Penalty Order No. R3-2005-0032 on March 24, 2005. That order requires the project to be completed by September 25, 2007. The Discharger is currently actively working towards installation of tertiary treatment facilities.

Installation of tertiary treatment facilities qualifies as an SEP in accordance with the State Water Resources Control Board's *Water Quality Enforcement Policy*. The project goes above and beyond the obligations of the Discharger and is not an action required of the Discharger by any rule or regulation of any entity. The SEP will benefit water quality. The SEP will not directly benefit Central Coast Water Board functions or staff. The Water Quality Enforcement Policy specifically lists water recycling as a suitable SEP.

The California Water Code encourages water recycling, especially in water-short areas of the coastal zone such as San Simeon. Staff supports installation of tertiary treatment facilities as an SEP.

In a letter dated October 14, 2005, the Discharger provided copies of two checks to demonstrate its preparedness to settle the matter. The letter states:

"Attached are copies of two checks, one in the amount of \$4,500.00 and the second in the amount of \$19,500.00. The San Simeon Community Services District is prepared to deposit the check for \$19,500 into an SEP account established at Mid State Bank in Cambria, Ca. We are also prepared to deliver the \$4,500.00 check to the State Regional Water Quality Control Board. Both of these checks will be issued on adoption of the RWQCB order."

The Discharger also waived its right to a hearing on October 25, 2005 (see Attachment 3).

Stipulated Order No. R3-2005-0120. Proposed Stipulated Order No. R3-2005-0120 assesses San Simeon Community Services District a Mandatory Penalty of \$24,000.

The Discharger must submit written proof of payment of \$19,500 to its Tertiary Treatment Facilities Construction Account by January 1, 2006. The Tertiary Treatment Facilities Construction Account must be utilized solely for *construction* of tertiary treatment facilities, not planning, design, or permitting. If proof of payment to the Tertiary Treatment Facilities Construction Account is not submitted by January 1, 2006, the suspended liability is immediately due and payable to State Water Resources Control Board.

The Discharger must complete construction of tertiary treatment facilities as soon as possible, but no later than September 25, 2007. The Discharger must submit written certification of completion of the tertiary treatment facilities construction and a post-project accounting of expenditures related to the project no later than 30 days after completion of the project. If the final total cost of the project is less than \$99,000¹, the Discharger must remit the difference to State Water Resources Control

¹ \$99,000 is the sum of \$19,500 plus \$79,500, the amount that the Central Coast Water Board directed to the Tertiary Treatment Facilities Construction Account through adoption of Mandatory Penalty Order No. R3-2005-0032 on March 24, 2005.

Board no later than 30 days after completion of the project.

The Discharger must submit semiannual reports on the progress of construction of tertiary treatment facilities construction to the Executive Officer. The Progress Reports must denote the current balance of the Tertiary Treatment Facilities Construction Account.

The Discharger must also submit a check payable to State Water Resources Control Board in the amount of \$4,500 by January 1, 2006.

RECOMMENDATION

Staff recommends adoption of Stipulated Order No. R3-2005-0120

ATTACHMENTS

1. Stipulated Order No. R3-2005-0120
2. Complaint No. R3-2005-0120
3. Waiver of Hearing Form

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