

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF February 5, 2009

Prepared on December 23, 2008

ITEM NUMBER: 11

SUBJECT: **Mandatory Minimum Penalty (MMP) Order No. R3-2008-0075, California Department of Corrections and Rehabilitation, California Men's Colony, San Luis Obispo County**

KEY INFORMATION

Discharger: California Men's Colony
Location: Hwy 1, North of San Luis Obispo, behind Cuesta College, San Luis Obispo County
Discharge Type: Treated Domestic Wastewater
Existing Order: Waste Discharge Requirements Order No. R3-2006-0032, National Pollutant Discharger Eliminations System (NPDES) Permit No. CA0047856
This Action: Adopt Mandatory Minimum Penalty Order

SUMMARY

On December 17, 2008, the Assistant Executive Officer, on behalf of the Central Coast Water Board's prosecution team, issued Mandatory Minimum Penalty (MMP) Complaint No. R3-2008-0075 (Complaint) to the California Men's Colony (Discharger). The Complaint alleged that the Discharger violated its NPDES Permit by violating effluent limitations from July 1, 2006, to August 31, 2008. The Complaint proposed that the Discharger be assessed civil liability in the amount of \$126,000.

On December 26, 2008, the Water Board's advisory team notified the Discharger that it would present an order to the Water Board on February 6, 2009 (changed to the 5th), unless the Discharger waived its right to a hearing and paid the proposed penalty. As of the date of this report, the Discharger has not waived its right to a hearing or paid the proposed penalty. In a letter to the Discharger dated December 17, 2008, the prosecution team notified the Discharger to provide any written comments, arguments, and evidence by January 12, 2009. The prosecution team was to submit its written evidence to the advisory team on the same date. Those materials are attached. The Discharger submitted one letter regarding both this action as well as the companion enforcement action in this agenda.

Attached to this staff report are the Complaint and a draft MMP order.

The advisory staff will present its evaluation and recommendation at the hearing.

ATTACHMENTS

1. Central Coast Water Board Prosecution Team memo January 12, 2009
2. Dept. of Corrections and Rehabilitation ltr January 12, 2009
3. MMP Complaint No. R3-2008-0075, with cover letter and waiver instructions
4. Draft Mandatory Minimum Penalty Liability Order No. R3-2008-0075

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