



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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To: Roger W. Briggs, Executive Officer
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

From: Central Coast Water Board Prosecution Staff
Michael Thomas
Harvey Packard
Todd Stanley
Sorrel Marks

Date: January 12, 2009

Subject: Prosecution Staff's Legal and Technical Analysis in Support of Proposed MMP Order No. R3-2009-0005, Cuyama Community Services District, Santa Barbara County

SUMMARY

NPDES Permit CA0048089 for Cuyama Community Services District (CSD) specifies effluent discharge limitations for bromodichloromethane and for dibromochloromethane. According to a report submitted by Cuyama CSD, samples of effluent discharged from its wastewater facility in September 2007 contained concentrations of bromodichloromethane and dibromochloromethane in violation of the limitations.

California Water Code section 13385(h)(1) requires the Central Coast Water Board to assess a mandatory penalty of \$3,000 for each serious violation. Cuyama CSD's discharge violations meet the definition of a serious violation. Accordingly, Mandatory Minimum Penalty Order No. R3-2009-0005 is proposed for \$6,000 (two violations at \$3,000 per violation).

DISCUSSION

Facility & Requirements: Cuyama CSD owns and operates a municipal wastewater collection, treatment and disposal facility that discharges treated effluent to Salisbury Creek, an intermittent tributary to the Cuyama River. The discharge is authorized by Waste Discharge Requirements Order No. R3-2007-0020, NPDES Permit No. CA0048089, which includes the following effluent limitations.

Constituent	Units	Average	Maximum
		Monthly	Daily
bromodichloromethane	µg/L	0.56	1.13
dibromochloromethane	µg/L	0.40	0.81

California Environmental Protection Agency



Item No. 13 Attachment No. 1
February 5, 2009 Meeting
Cuyama CSD MMP Order

Violations: Order No. R3-2007-0020, NPDES Permit No. CA0048098 also includes Monitoring and Reporting Requirements which call for quarterly effluent sample analyses for these constituents. Cuyama CSD submitted its compliance monitoring report for September 2007 on October 10, 2007. The report includes monitoring results showing effluent discharge concentrations in violation of the effluent limitations above; bromodichloromethane is reported at 4.8 micrograms per liter ($\mu\text{g/L}$) and dibromochloromethane is reported at 3.7 $\mu\text{g/L}$.

California Water Code section 13385(h)(1) requires the Central Coast Water Board to assess a mandatory penalty of \$3,000 for each serious violation. California Water Code section 13385(h)(2) provides that a serious violation occurs if the discharge exceeds the effluent limitations for a Group II pollutant, as specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations, by 40 percent or more. Bromodichloromethane and dibromochloromethane are Group II pollutants. The violations noted above meet the criteria for serious violations.

Complaint Issuance: On December 17, 2008, Water Board staff mailed Mandatory Minimum Penalty Complaint No. R3-2009-0005 (Complaint) to Cuyama CSD by certified mail. Delivery receipt for the Complaint is signed by Cuyama CSD General Manager, Mr. U.S. Wilson, and dated December 22, 2008. Complaint No. R3-2009-0005 is issued for the amount of \$6,000 (two violations at \$3,000 per violation). As of the date of this memorandum, Cuyama CSD has not submitted payment of the penalty or a proposal for any supplemental environmental projects to be implemented in lieu of the penalty.

RECOMMENDATION

Adopt Mandatory Minimum Penalty Order No. R3-2009-0005, imposing liability of \$6,000 against the Cuyama CSD.

ATTACHMENTS

1. Receipt for Delivery of Complaint No. R3-2009-0005
2. List of Exhibits Incorporated by Reference

cc: U.S. Wilson, General Manager
Cuyama CSD
P. O. Box 368
Cuyama, CA 93254

Jorge Leon, Sr. Staff Counsel
SWRCB, Office of Chief Counsel
1001 I Street
Sacramento, CA 95814

S:\Enforcement\Mandatory Minimum Penalties\Cuyama\2009-0005 evidence memo.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U. S. Wilson, General Manager
 Cuyama Community Services District
 P. O. Box 368
 Cuyama, CA 93254

2. Article Number (Transfer from service label) 1111 11700710710 000414117 6250

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
[Handwritten Signature]
- B. Received by (Printed Name) *U.S. Wilson* C. Date of Delivery *12/2/00*
- D. Is delivery address different from Item 1? Yes No
 If YES, enter delivery address below:

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STATE OF CALIFORNIA
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD

DEC 24 2008

S. Marks

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REGIONAL WATER QUALITY CONTROL BOARD
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**List of Exhibits Incorporated by Reference
MMP Order No. R3-2009-0005
Cuyama Community Services District**

1. Waste Discharge Requirements Order No. R3-2007-0020, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048089 for Cuyama Community Services District Wastewater Facility
2. Cuyama Community Services District's September 2007 monitoring report
3. State Water Resources Control Board Water Quality Enforcement Policy, which can be found on the internet at the following link:
http://www.waterboards.ca.gov/board_info/agendas/2008/feb/0219_10current_policy.doc
4. Mandatory Minimum Penalty Complaint No. R3-2009-0005, recommending \$6,000 in liability against Cuyama Community Services District for effluent discharge violations occurring in September 2007

The above-described documents can be found in the Central Coast Water Board's files and on the internet at the following link:
<http://www.waterboards.ca.gov/centralcoast/>