

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 30-31, 2013
Prepared on May 3, 2013

ITEM NUMBER: 13

SUBJECT: Enforcement Report

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DISCUSSION

Violations Listing

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. Attachment 1 is a CIWQS list of violations by dischargers between December 1, 2012, and January 31, 2013. CIWQS has a sewer system overflow (SSO) module that provides tracking and reporting of such spills.

Significant or Notable Violations

- Lucas and Lewellen Vineyards Winery, Buellton, Santa Barbara County
The winery discharged various forms of winery waste to a storm drain leading to Zaca Creek on several occasions observed by Department of Fish and Wildlife and Santa Barbara County personnel. Water Board staff issued two notices of violation and required the winery to obtain coverage under and comply with the general industrial stormwater permit. Additional enforcement actions are pending.
- Nipomo CSD wastewater treatment plant, San Luis Obispo
The report shows numerous listings. As mentioned in previous reports, Nipomo is upgrading its wastewater treatment plant. Some violations are due to process modifications to deal with the construction.
- Santa Cruz Co. CSA #7, Boulder Creek Golf & Country Club, Boulder Creek, Santa Cruz County
15,000-gallon sewage spill to Boulder Creek. Class 1 violation; enforcement pending.

Follow up from Previous Meeting

Ventana Inn, Big Sur, Monterey County

The Ventana Inn November 2012 subsurface disposal system failure violation (seepage of effluent to the ground surface) was associated with the startup and testing of one of the five newly installed subsurface disposal system areas at the facility. Follow-up investigation and testing activities subsequent to the surface discharge identified several problems with the Mule Ridge disposal area that contributed to surfacing effluent. These problems included plumbing leaks, two improperly functioning solenoid valves, a check valve installed in the backwards position, and incompatible dosing times and pump flow settings for selected zones within the new subsurface disposal area. The most notable problem was associated with the backward check valve that reportedly allowed simultaneous dosing of one zone within the Mule Ridge disposal area, located uphill from where the seepage was observed, while three other zones were being dosed. The facility also received approximately six inches of rain in the days

preceding the violation event. Although all of these problems have been repaired, and the system retested to confirm the repairs, in our December 13, 2012 Water Board Notice of Violation, we require the disposal system and downslope seepage areas dry out completely before reinitiating ongoing disposal to and testing of the Mule Ridge disposal area. As of March 22nd, areas within and downslope of the disposal area were still damp due to precipitation events. During the time the Mule Ridge disposal area has been shut down, the facility has been safely handling disposal via its other onsite disposal areas. Water Board staff is coordinating regularly with Ventana Inn staff and contractors and the Monterey County Health Department on this and other items associated with the nearly completed facility-wide upgrade for the centralized wastewater collection, treatment and disposal system required by Cleanup and Abatement Order (CAO) No. R3-2007-0091. The County is conducting weekly site visits and inspections. Per the December Notice of Violation, written documentation is required following retesting/startup of the Mule Ridge disposal area once it has dried out to document that it is functioning properly in addition to documenting compliance with the CAO.

Pettit Auto Wreckers, Moss Landing, Monterey County

On January 25, 2013, the Central Coast Water Board issued a Staff Enforcement Letter to Jim Pettit Auto Wreckers in Moss Landing. Staff issued the Staff Enforcement Letter in response to findings made by USEPA contractor PG Environmental during an inspection of the facility for compliance with the statewide General Industrial Stormwater Permit (Order No. 97-03-DWQ).

The USEPA contractor identified potential violations at the facility regarding best management practice and monitoring implementation, as well as inadequate information in the Storm Water Pollution Prevention Plan for the facility. In the resulting Staff Enforcement Letter, Central Coast Water Board staff directed the operator to review and update program implementation and tracking at the facility to achieve compliance. The operator must demonstrate compliance in the July 2013 annual report for the facility. Central Coast Water Board staff will review the annual report to assess compliance and conduct any necessary follow-up actions.

Summary of Enforcement Activities

The following information summarizes significant enforcement actions taken by the Water Board during the period between February 1, 2013, and March 31, 2013.

Notices of Violation

- Lucas and Lewellen Vineyards, Buellton, Santa Barbara County
- Rancho Los Lobos Landfill, Monterey County
- V&V Farms, LLC; Selva Ranch; JJ&H; Herold Ranch Co., Monterey County

Cleanup and Abatement Order

- Las Colinas Ranch, 56395 Cattlemen Road, San Lucas, Monterey County
On March 22, 2013, the Central Coast Water Board issued Cleanup and Abatement Order No. R3-2013-0031 (CAO) to ensure safe drinking water for the community of San Lucas. On March 27, 2013, Central Coast Water Board revised the CAO in response to Monterey County's comments and to correct the Central Coast Water Board's record of proceedings.

The CAO requires the landowner and farm operator of Las Colinas Ranch to provide uninterrupted interim (bottled water service or equivalent) and long-term replacement

water service to the community of San Lucas. The CAO documents the Dischargers' voluntary commitment to supply replacement water to the San Lucas community.

The CAO allows the owner and farm operator to work collaboratively with various stakeholders, including Monterey County, the San Lucas County Water District, local resource and housing agencies, and state officials to identify and develop a new, permanent, safe drinking water source for the San Lucas community. In the event that a viable, long-term replacement water alternative is not implemented by the collaborating parties, the owner and farm operator must implement a long-term replacement water alternative independently according to a schedule approved by the Executive Officer.

Expedited Payment Letters for Mandatory Minimum Penalties

- City of Santa Barbara, El Estero Wastewater Treatment Facility, Santa Barbara County, \$96,000
- California Men's Colony Wastewater Treatment Plant, San Luis Obispo County, \$75,000
- Heritage Ranch CSD Wastewater Treatment Plant, San Luis Obispo County, \$15,000

Ag Program Enforcement: Failure to Pay State Permit Fees and Fees to Participate in Cooperative Monitoring Program

Growers enrolled in the Agricultural Order have the option of complying with surface receiving water quality monitoring conditions either individually or through a cooperative monitoring program. Nearly all enrolled growers have elected to participate in the Cooperative Monitoring Program (CMP) implemented by Central Coast Water Quality Preservation, Inc. (CCWQP). CCWQP conducts monitoring and also pays the required State permit fees on behalf of participating growers, and growers who participate in the CMP receive a reduced rate on the State permit fee. At previous Board Meetings, Board members and staff have discussed ongoing issues related to enrolled growers that selected the cooperative monitoring option but failed to pay fees for participation in the cooperative monitoring program. Problems with CMP fee payment have continued, resulting in a significant workload for Water Board staff as well as loss of State permit fees that continue to go unpaid.

Staff is coordinating with the State Board and CCWQP to improve methods to follow-up with growers who fail to pay the State permit fee and fees to participate in the CMP. In July 2012, State Board informed the Central Coast Water Board and CCWQP that growers who did not pay necessary fees to CCWQP by April 1, 2012, will be invoiced by the State Water Board at the higher individual State permit fee rate. This change will remain in effect for the remainder of the fiscal year and will remain until the enrolled grower pays the required State permit fee and is accepted back in to the CMP by CCWQP. Enrolled growers who do not pay the required State permit fee to the State Water Board will be referred to a collections agency.

On April 9, 2013, CCWQP provided the Water Board with an accounts receivable spreadsheet identifying a list of approximately 355 growers that selected the cooperative monitoring option but failed to pay fees for participation in CMP. The amount of fees outstanding per grower ranges from \$59.43 to \$17,989.15. State Board plans to issue individual invoices for State permit fees to these growers before the end of the fiscal year. Growers who do not provide payment in a timely manner will be referred to collections.

RECOMMENDATION

This report is for Board information; the Board may provide direction to staff.

ATTACHMENTS

1. Violation List
2. List of Abbreviations

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