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## Central Coast Regional Water Quality Control Board

April 29, 2025

Thomas Welche  
Acting Wastewater System Manager  
City of Santa Barbara  
520 East Yanonali Street  
Santa Barbara, CA 93103  
Email: [twelche@santabarbaraca.gov](mailto:twelche@santabarbaraca.gov)

**Via Electronic and Certified Mail**  
**9589 0710 5270 0883 4153 63**

Dear Thomas Welche:

**ENFORCEMENT PROGRAM: CITY OF SANTA BARBARA EL ESTERO WATER RESOURCE CENTER, 520 EAST YANONALI STREET, SANTA BARBARA COUNTY, WDID 3 420108001 – EXPEDITED PAYMENT PROGRAM – CONDITIONAL SETTLEMENT OFFER TO RESOLVE ALLEGED PERMIT VIOLATIONS THROUGH ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0032**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. The purpose of this letter is to notify the City of Santa Barbara (Discharger) of alleged violations of Waste Discharge Requirements (WDR) Order R3-2019-0046, National Pollutant Discharge Elimination System Permit (NPDES) CA0048143, subject to mandatory minimum penalties, and of the opportunity to participate in an expedited settlement process to address \$3,000 (Penalty Amount) in liability.

**PLEASE NOTE: NO PAYMENT IS YET DUE IN RESPONSE TO THIS LETTER**

### ALLEGED VIOLATIONS

The Central Coast Water Board's Assistant Executive Officer alleges that on February 19, 2024, the Discharger violated the effluent limitations and/or late reporting requirements identified in the notice of violation (NOV) attached to the enclosed Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver); Administrative Civil Liability Order R3-2025-0032 (ACL Order) for discharges to the Pacific Ocean.

## STATUTORY LIABILITY

California Water Code sections 13385, subdivisions (h) and (i) and 13385.1, require the assessment of a mandatory minimum penalty of \$3,000 for specified serious and non-serious effluent limitation and/or late reporting violations. The enforcement action that the Central Coast Water Board uses to assess such liability is an administrative civil liability complaint, followed by a public hearing on the matter. The Central Coast Water Board is required to, at a minimum, assess the mandatory minimum penalties.

Alternatively, the Central Coast Water Board has the option to assess higher discretionary administrative civil liabilities, beginning with the date on which the violations first occurred. Discretionary administrative civil liabilities may be assessed up to \$10,000 for each day in which the violation occurs, plus \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. The Central Coast Water Board also has the option to refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General's Office for prosecution, the Superior Court may assess up to \$25,000 for each day in which the violation occurs, and \$25 for each gallon discharged but not cleaned up in excess of 1,000 gallons.

## CONDITIONAL SETTLEMENT OFFER

To avoid the issuance of an administrative civil liability complaint and promote expedited resolution of the alleged violations, the Central Coast Water Board Assistant Executive Officer offers the Discharger an opportunity to participate in the expedited payment program to settle the matter by completing and returning the enclosed Acceptance and Waiver. Details of the Conditional Settlement Offer are described in this letter and in the Acceptance and Waiver. If the Discharger accepts this offer, the Central Coast Water Board Assistant Executive Officer will forego issuance of an administrative civil liability complaint, will not refer the violations to the Attorney General's Office, will not charge incurred staff costs, and will not seek discretionary administrative civil liabilities for the alleged violations identified in the NOV.

## DISCHARGER'S OPTIONS FOR RESPONSE TO CONDITIONAL SETTLEMENT OFFER

The Discharger's options for responding to the Conditional Settlement Offer are the following:

1. **Accept the Conditional Settlement Offer**: If the Discharger accepts the Conditional Settlement Offer, the Discharger must complete and return the enclosed Acceptance and Waiver **no later than May 29, 2025**. The Acceptance and Waiver document provides more details regarding the conditions of the settlement and payment option(s) for the Penalty Amount. *Note: No payment is due at the time the Discharger returns the signed Acceptance and Waiver to the Central Coast Water Board.*
2. **Contest Alleged Violations**: If the Discharger chooses to contest any of the violations alleged in the NOV attached to the Acceptance and Waiver, the Discharger must identify each violation and the basis for its challenge (e.g., factual error, affirmative defense) **on or before May 29, 2025**. Central Coast

Water Board staff will evaluate the contested violations and take one of the following actions:

- a. If Central Coast Water Board staff determine the alleged violations are not supported, it will expunge or exempt those violations, take no further action against the Discharger for those violations, and notify the Discharger in writing of that determination. For any remaining violations, the Discharger will be given 30 days from the date of receipt of Central Coast Water Board staff's determination to either accept the Conditional Settlement Offer by completing and returning the Acceptance and Waiver to the Central Coast Water Board, or to reject the Conditional Settlement Offer; or
  - b. If Central Coast Water Board staff determine the alleged violations are valid, staff will notify the Discharger of that determination. The Discharger will be given 30 days from the date of receipt of Central Coast Water Board staff's determination to either accept the Conditional Settlement Offer by completing and returning the Acceptance and Waiver to the Central Coast Water Board, or to reject the Conditional Settlement Offer.
3. **Reject the Conditional Settlement Offer:** If the Discharger does not respond **by May 29, 2025** or rejects the Conditional Settlement Offer, the Central Coast Water Board Assistant Executive Officer may issue an administrative civil liability complaint for any unresolved alleged violations. In an administrative civil liability complaint, the liability amount sought and/or imposed may exceed the liability amount in the Conditional Settlement Offer.

## CONTACT PERSONS

Should the Discharger have any questions about the NOV, the Conditional Settlement Offer, Acceptance and Waiver, the ACL Order, or expedited payment program process, please contact Tamara Anderson at [tamara.anderson@waterboards.ca.gov](mailto:tamara.anderson@waterboards.ca.gov) or (805) 549-3334, or Todd Stanley at [todd.stanley@waterboards.ca.gov](mailto:todd.stanley@waterboards.ca.gov) or (805) 542-4769.

Sincerely,

  
Angela Schroeter  
Water Boards  
Angela V. Schroeter  
Assistant Executive Officer

**Enclosure:** Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;  
Administrative Civil Liability Order R3-2025-0032

cc via email:

**Central Coast Water Board:**

Angela Schroeter, [angela.schroeter@waterboards.ca.gov](mailto:angela.schroeter@waterboards.ca.gov)

Tamara Anderson, [tamara.anderson@waterboards.ca.gov](mailto:tamara.anderson@waterboards.ca.gov)  
Sarah Bragg-Flavan, [sarah.bragg-flavan@waterboards.ca.gov](mailto:sarah.bragg-flavan@waterboards.ca.gov)  
Todd Stanley, [todd.stanley@waterboards.ca.gov](mailto:todd.stanley@waterboards.ca.gov)

File Location: R:\RB3\Enforcement\EPLs\2025-0032 SBarb WWTP MMP\SBarb El Estero MMP EPL 25-0032 Offer.docx

ECM Primary Indexing # 222443

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER  
AND WAIVER OF RIGHT TO HEARING;**

**ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0032**

City of Santa Barbara (Discharger)  
El Estero Water Resource Center  
520 East Yanonali Street  
Santa Barbara County  
Waste Discharge Requirements Order R3-2019-0046  
National Pollutant Discharge Elimination System (NPDES) Permit CA0048143  
WDID: 3 420108001

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Discharger hereby accepts the Conditional Settlement Offer from the Assistant Executive Officer to participate in the expedited payment program to settle the alleged violations and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violations. The alleged violations are identified in the attached notice of violation (NOV).

The Discharger agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the mandatory minimum penalties (Penalty Amount) authorized by California Water Code sections 13385 and 13385.1, as specified in the NOV, which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Discharger understands that by signing this Acceptance and Waiver, the Discharger waives its right to contest the allegations in the NOV and the amount of administrative civil liability for such violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

The Discharger understands that federal regulations set forth in title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment.

If no public comments or new material facts are received within the public comment period that cause the Central Coast Water Board Assistant Executive Officer to reconsider the proposed Conditional Settlement Offer, the Executive Officer, through its delegated authority by the Central Coast Water Board, will consider execution of the Acceptance and Waiver as the executed Administrative Civil Liability Order R3-2025-0032 (ACL Order) that resolves the alleged violations identified in the NOV.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;  
Administrative Civil Liability Order R3-2025-0032

If significant public comments are received in opposition to the Acceptance and Waiver and/or new material facts become available that are relevant to the Acceptance and Waiver, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and the matter would be set for a hearing before the Central Coast Water Board. For such a civil liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not be used as evidence against the Discharger.

Penalty Amount: \$3,000

The Discharger must pay the total Penalty Amount to the State Water Pollution Cleanup and Abatement Account.<sup>1</sup>

Upon signature by the Discharger, the Discharger must return this Acceptance and Waiver in pdf format via email or mail to:

Tamara Anderson  
Enforcement Coordinator  
Email: [tamara.anderson@waterboards.ca.gov](mailto:tamara.anderson@waterboards.ca.gov)  
Central Coast Water Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board.** After the required public comment period and execution of the Acceptance and Waiver as the executed ACL Order by the Executive Officer, the Central Coast Water Board will transmit the executed ACL Order to the Discharger. The transmittal letter will include payment due dates and payment instructions based on the payment options selected in the Acceptance and Waiver. The full payment of the Penalty Amount shall be due within 30 calendar days of the executed ACL Order. Furthermore, the Discharger understands that full payment within 30 calendar days of the executed ACL Order is a material condition of this Acceptance and Waiver. Failure to pay the Penalty Amount within the required time period may subject the Discharger to further liability.

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<sup>1</sup> Cleanup and Abatement Account:  
[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/cleanup\\_and\\_abatement.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html)

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;  
Administrative Civil Liability Order R3-2025-0032

**IT IS SO STIPULATED.**

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

By: \_\_\_\_\_ (Signed Name) \_\_\_\_\_ (Date)

\_\_\_\_\_  
(Printed or Typed Name)

\_\_\_\_\_  
(Email)

\_\_\_\_\_  
(Title)

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;  
Administrative Civil Liability Order R3-2025-0032

**IT IS HEREBY ORDERED** pursuant to Water Code section 13323 and Government Code section 11415.60 on behalf of the California Regional Water Quality Control Board, Central Coast Region that ACL Order R3-2025-0032 is hereby adopted.

By: \_\_\_\_\_  
Ryan E. Lodge  
Executive Officer  
Central Coast Water Board

**Attachment:** Notice of Violation

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**Exhibit A – Notice of Violation**  
**City of Santa Barbara El Estero Water Resource Center**  
**Mandatory Minimum Penalty Violations Requiring Enforcement**  
**Alleged Violation Date: February 19, 2024**

The enforcement staff of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) reviewed information submitted by this facility to determine whether the discharger is subject to mandatory minimum penalties (MMPs) pursuant to subdivisions (h) and (i) of California Water Code section 13385 and section 13385.1. The following table or tables list this facility's alleged violations of Waste Discharge Requirements Order R3-2019-0046, National Pollutant Discharge Elimination System Permit CA0048143 on February 19, 2024, for which the Central Coast Water Board has not yet assessed MMPs. Final calculation of MMP amounts owed and definitions of some of the terms used in this document are listed below the table.

For additional information about the alleged violations listed in the table, please refer to [the State Water Resources Control Board CIWQS Public Reports webpage](#) and select the "Mandatory Minimum Penalty (MMP) Report" link located under the "Violations Reports" category. Once in the Mandatory Minimum Penalty Reports search page, select Region 3 along with the beginning and ending dates shown in this exhibit, select Run Report, and then select your facility to access the list of violations. Expand the "Effluent MMP Violations" and/or "Late Report MMP Violations" sections of that page by selecting the "+" icon to the left of the section titles. To view details of a violation, select the "Violation ID" number. For chronic (non-serious) effluent violations, select the "Chronic" link in the "MMP Type" column of the "Effluent Limit Violations" section to see a list of the three or more violations preceding each chronic violation within 180 days and thus qualifying the chronic violation as an MMP.

**Effluent MMP Violations Table**

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>S</u> erious or <u>C</u> hronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
1	1125349	2/19/24	Settleable Solids	Group 1	Instantaneous Maximum	3	37	mL/L	1133	S	N/A	N/A	\$ 3,000

Total Penalty for Effluent Violations: \$3,000

Calculation of Total Mandatory Minimum Penalty Amount for Effluent and Late Reporting Violations:  
 (1 Serious Violations + 0 Non-Serious Violations) × \$3,000 = \$3,000

For Group 1 pollutants, a violation is serious when the limit is exceeded by 40% or more, and non-serious when the limit is exceeded by less than 40%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

Each serious violation is subject to a mandatory minimum penalty of \$3,000.

Term	Definition
Units	mL/L = milliliters per liter
N/A	Not Applicable
CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities, as well as other data types relevant to water quality protection.

EPL R3-2025-0032 – Exhibit A  
ACL Order R3-2025-0032  
City of Santa Barbara El Estero Water Resource Center

Term	Definition
Violation Number	Identification number assigned to a violation in CIWQS.
Violation Date	Date that a violation occurred, with the exception that for some violation types, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date used is the day the violation was first discovered by staff, the Discharger, or a third party.
Pollutant Types: Group 1 & 2	Groups of pollutants defined in the State Water Resources Control Board Water Quality Enforcement Policy. Also referred to as Category 1 or CAT1 and Category 2 or CAT2, respectively.

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