



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

August 21, 2003

Mr. David A. Caretto
General Manager
South Orange County Wastewater Authority
34156 Del Obispo
Dana Point, California 92629

CERTIFIED-REGISTERED MAIL
7003 1680 0001 5034 2176
POTW: 01-0175.01: hansd

Dear Mr. Caretto:

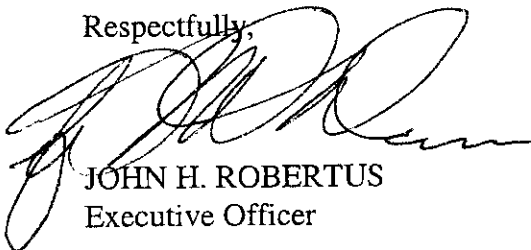
SUBJECT: ACCEPTANCE OF WAIVER OF PUBLIC HEARING

On August 13, 2003, the California Regional Water Quality Control Board, San Diego Region (Regional Board) accepted your decision to waive a public hearing regarding the violations of Order No. 2000-13, *South Orange County Wastewater Authority, Discharge to the Pacific Ocean Through the San Juan Creek Ocean Outfall*, described in Complaint No. R9-2003-0251. The Regional Board received your payment of \$3,000. The enclosed Order No. R9-2003-0304, adopted by the Regional Board on August 13, 2003, documents the conclusion of the administrative civil liability proceedings relating to this matter.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence, please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions, please contact Mr. David Hanson at (858) 467-2724 or hansd@rb9.swrcb.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosure: Adopted Order No. R9-2003-0304

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2003-0304

**ASSESSMENT OF
ADMINISTRATIVE CIVIL LIABILITY
WITH MANDATORY MINIMUM PENALTY
AGAINST
THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY
DISCHARGE TO THE PACIFIC OCEAN THROUGH THE SAN JUAN CREEK
OCEAN OUTFALL
FOR VIOLATION OF ORDER NO. 2000-13**

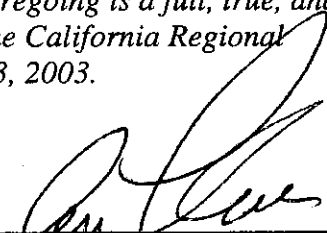
The San Diego Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing on August 13, 2003, to hear evidence and comments on the allegations contained in Complaint No. R9-2003-0251, dated May 30, 2003, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$3,000 finds as follows:

1. The South Orange County Wastewater Authority (SOCWA) was issued waste discharge requirements pursuant to Order No. 2000-13 for the discharge of treated wastewater to the Pacific Ocean through the San Juan Creek Ocean Outfall.
2. The Discharger Self-Monitoring Report submitted by SOCWA for December 2002 indicates a serious violation of Order No. 2000-13 that occurred on December 24, 2003. This violation was due to an effluent limitation exceedance of settleable solids (SS) concentration (Group I pollutant).
3. Under California Water Code section 13385(h), the amount of the mandatory minimum penalty that must be assessed for a serious violation is \$3,000.
4. Consideration of the information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2003-0251 supports assessment of civil liability pursuant to Water code section 13385(h) in the amount of \$3,000.
5. The Regional Board incurred costs totaling \$1,800, which includes preparation of enforcement documents and public hearings.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on the South Orange County Water Authority in the amount of three thousand dollars (\$3,000) and that the rationale for the assessment contained in Complaint No. R9-2003-0251 is hereby incorporated into this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on August 13, 2003.



JOHN H. ROBERTUS
Executive Officer

for