



# California Regional Water Quality Control Board San Diego Region



RF

Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

August 14, 2008

CERTIFIED-RETURN RECEIPT REQUESTED  
7007 2570 0001 4287 3700

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Dear Mr. Rosales:

Re-issuance of Complaint for Assessment of Administrative Civil Liabilities (ACL) with Mandatory Minimum Penalties (MMPs) to South Orange County Wastewater Authority (SOCWA) for Violations of Effluent Limitations Contained in NPDES Permit Order Nos. R9-2006-0054 and R9-2000-13,

On June 27, 2008, the Regional Water Quality Control Board (Regional Board) issued ACL Complaint No. 2008-0064 for effluent violations subject to MMPs. The effluent violations were attributed to four of the agencies that are members of the SOCWA joint powers authority and listed in Order No. R9-2006-0054. At this time, we are hereby withdrawing and re-issuing the Complaint individually for each of the member agencies. In addition, a new Complaint is enclosed for two alleged violations of effluent limitations of Order No. R9-2000-13, which were not included in the withdrawn Complaint. The following Complaints are enclosed:

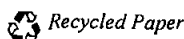
1. For violations of effluent limitations established by Order No. R9-2006-0054, NPDES No. CA0107417, *Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean via San Juan Creek Ocean Outfall*. Complaints enclosed are:

Complaint No R9-2008-0090 recommending the MMP of \$21,000  
Complaint No R9-2008-0091 recommending the MMP of \$27,000  
Complaint No R9-2008-0092 recommending the MMP of \$ 6,000  
Complaint No R9-2008-0093 recommending the MMP of \$57,000

2. For violations of effluent limitations established by Order No. R9-2000-13, NPDES No. CA0107417, *Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority via San Juan Creek Ocean Outfall*.

Complaint No. R9-2008-0094 recommending the MMP of \$6,000

*California Environmental Protection Agency*



August 14, 2008

For each individual Complaint that you intend to waive your right to a hearing before the Regional Board, you must sign and return the appropriate enclosed waiver form with the corresponding penalty amount in a cashier's check made out to the "State Water Resources Control Board," by 5:00 p.m. **Friday, September 12, 2008**. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the corresponding Complaint and acceptance of the assessment of civil liability in the corresponding penalty amount. In addition, for each waiver, you must publish the enclosed public notice in the Orange County Register newspaper no later than **September 19, 2008**. Verification that the notice has been published must be submitted to the Regional Board no later than **September 26, 2008**.

### Public Hearing

For each individual Complaint that you do not elect to waive your right to a public hearing, a hearing is tentatively scheduled to be held at the Regional Board meeting on **November 12, 2008**. In order for the Regional Board to fully consider any argument on your behalf, you should submit twenty copies of all documents, including exhibits you intend to provide the Regional Board by 5:00 p.m. **Monday, October 20, 2008**. Copies of material submitted will be forwarded to the Regional Board Members. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.

Please contact Joann Cofrancesco at (858) 637-5589 or via e-mail at [jcofrancesco@waterboards.ca.gov](mailto:jcofrancesco@waterboards.ca.gov) if you have any questions concerning this matter.

Respectfully,



Michael P. McCann  
Assistant Executive Officer

MPM:bdk:mja:jlc

- Enclosures:
1. Complaint No. R9-2008-0090
  2. Complaint No. R9-2008-0091
  3. Complaint No. R9-2008-0092
  4. Complaint No. R9-2008-0093
  5. Complaint No. R9-2008-0094
  6. Waiver of Public Hearing Forms
  7. Public Hearing Notices

Mr. Tom Rosales  
SOCWA

- 3 -

August 14, 2008

Copies with enclosures [via email only]:

1. Ken Greenberg, U.S. EPA, Region 9, [greenberg.ken@epa.gov](mailto:greenberg.ken@epa.gov)
2. Reed Sato, Director of Office of Enforcement, [RSato@waterboards.ca.gov](mailto:RSato@waterboards.ca.gov)
3. Brian Kelley, Regional Board Core Regulatory Unit, [bkelly@waterboards.ca.gov](mailto:bkelly@waterboards.ca.gov)

Regulatory Measure ID: 349598, 349601, 349604, 349607, and 349609

---

*California Environmental Protection Agency*



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

**IN THE MATTER OF:**

<b>SOUTH ORANGE COUNTY</b>	)	
<b>WASTEWATER AUTHORITY</b>	)	
<b>SAN JUAN CREEK OCEAN OUTFALL</b>	)	<b>COMPLAINT NO. R9-2008-0090</b>
	)	
<b>SAN CLEMENTE WATER RECLAMATION PLANT</b>	)	
	)	<b>FOR</b>
<b>VIOLATIONS OF EFFLUENT LIMITATIONS IN</b>	)	<b>ADMINISTRATIVE CIVIL</b>
<b>ORDER NO. R9-2006-00054, NPDES NO</b>	)	<b>LIABILITY</b>
<b>CA0107417, WASTE DISCHARGE</b>	)	
<b>REQUIREMENTS AND NPDES PERMIT FOR THE</b>	)	<b>WITH</b>
<b>SOUTH ORANGE COUNTY WASTEWATER</b>	)	<b>MANDATORY MINIMUM</b>
<b>AUTHORITY DISCHARGE TO THE PACIFIC</b>	)	<b>PENALTIES</b>
<b>OCEAN VIA SAN JUAN CREEK OCEAN</b>	)	
<b>OUTFALL ORANGE COUNTY, CALIFORNIA</b>	)	
	)	<b>August 14, 2008</b>
<b>Place ID: 255218</b>	)	
<b>WDID NO. 9 000000175</b>	)	

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, SAN JUAN CREEK OCEAN OUTFALL IS HEREBY GIVEN NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) owns and holds the NPDES permit for the San Juan Creek Ocean Outfall (Order No. R9-2006-0054, NPDES No. CA0107417) on behalf of all its member agencies. The City of San Clemente operates the San Clemente Water Reclamation Plant (WRP) and discharges wastewater to the San Juan Creek Ocean Outfall as a member agency under Order No. R9-2006-0054.
2. SOCWA is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to water of the United States. The Regional Board must impose mandatory minimum penalties (MMP) for the violations alleged in this complaint.
3. Treated effluent is discharged into the Pacific Ocean, from the City of San Clemente WRP, that is subject to numeric effluent limitations, contained in Order No. R9-2006-0054, NPDES Permit No. CA0107417, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County.*

4. Water Code Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. Water Code Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
5. The Regional Board has discretionary authority to impose liability for every violation of an NPDES permit (CWC Section 13385(a)(2)). While CWC Sections 13385(h) and (i) require certain minimum penalties, CWC Section 13385(c) gives the Regional Board authority to impose liability as high as \$10,000 per day for those violations and \$10 per gallon per gallon.<sup>1</sup> CWC Section 13385(e) provides factors to be considered by the Regional Board when determining the amount of any liability imposed under CWC Sections 13385(a) and 13385(c).<sup>2</sup>

### **ALLEGATIONS**

6. SOCWA reported effluent sampling results to the Regional Board pursuant to the Order No. R9-2006-0054's Monitoring and Reporting schedule. In April 2007 and November 2007, SOCWA reported seven violations of effluent limitations for settleable solids (SS) (as described in Table 1 below).

---

<sup>1</sup> CWC Section 13385(c) states: Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

<sup>2</sup> Pursuant to CWC Section 13385(e): In determining the amount of any liability imposed under CWC Sections 13385(a) and (c), the Regional Board must take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

Table 1: Summary of Effluent Violations

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious Violation
4/6/2007	SS	instantaneous max	3.0	11.0	Yes
4/6/2007	SS	average weekly	1.5	<2.3	Yes
11/15/2007	SS	instantaneous max	3.0	3.5	No
11/16/2007	SS	instantaneous max	3.0	6.5	Yes
11/19/2007	SS	instantaneous max	3.0	12.5	Yes
11/16/2007	SS	average weekly	1.5	<2.7	Yes
11/19/2007	SS	average weekly	1.5	<3.5	Yes
11/19/2007	SS	average monthly	1.0	<1.5	Yes

**PROPOSED CIVIL LIABILITY**

7. Maximum Potential Liability. The maximum liability for violations cited in this complaint, pursuant to CWC Section 13385(c)(1), can be calculated based on:

a. CWC Section 13385(c)(1): Liability can be assessed for ten thousand dollars (\$10,000) per day of violation, resulting in the maximum liability of three hundred seventy thousand dollars (\$370,000) for effluent violations that occurred on 37 days (summarized in Table 2 below); and/or

b. CWC Section 13385(c)(2): Liability can be assessed for ten dollars per gallon discharged, resulting in the maximum liability of one billion three hundred forty two million one hundred thousand dollars (\$1,342,100,000); for one hundred thirty four million two hundred ten thousand (134,210,000) gallons of wastewater discharged to the Pacific Ocean during the period of violation (summarized in Table 2 below).

Table 2 - Summary of Volume of Wastewater and Days Subject to Liability

Violation Period	Monthly Average Flow (gallons per day)	Number of Days	Total flow (gallons)	Liability based on \$10 per gallon of violation	Liability based on \$10,000 per day of violations
4/1/07-4/7/07	3,530,000	7	24,710,000	\$247,100,000	\$70,000
11/1/07-11/30/07	3,650,000	30	109,500,000	\$1,095,000,000	\$300,000
<b>Total</b>				<b>\$1,342,100,000</b>	<b>\$370,000</b>

8. Pursuant to CWC Sections 13385 (h) and (i) of the CWC, mandatory minimum penalty in the amount of twenty one thousand dollars (\$21,000) is recommended for 7 serious violations of effluent limitations. (\$3000 for each 7 violations, summarized in Table 3, attached). Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 14<sup>th</sup> day of August 2008

BY THE EXECUTIVE OFFICER



**MICHAEL McCANN**  
 Assistant Executive Officer

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer

Attachment: Table 3 - Summary of Violations Subject to Mandatory Minimum Penalties

**CIWQS Entries**

Regulatory Measure ID: 309059 (Order No. R9-2006-0054) and 349598 (ACL);  
 Party ID: 41388 (SOCWA)  
 Place ID: 255218  
 Violation IDs: 596262, 596263, 712817, 712818; 715220, 715228, and 715243

Table 3 - Summary of Effluent Violations Subject to Mandatory Minimum Penalties

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious Violation	Mandatory Minimum Penalty
4/6/07	SS	instantaneous max	3.0	11.0	Yes	\$3,000
4/6/07	SS	average weekly	1.5	<2.3	Yes	\$3,000
11/15/07	SS	instantaneous max	3.0	3.5	No	\$0
11/16/07	SS	instantaneous max	3.0	6.5	Yes	\$3,000
11/19/07	SS	instantaneous max	3.0	12.5	Yes	\$3,000
11/16/07	SS	average weekly	1.5	<2.7	Yes	\$3,000
11/19/07	SS	average weekly	1.5	<3.5	Yes	\$3,000
11/19/07	SS	average monthly	1.0	<1.5	Yes	\$3,000
<b>TOTAL MMP</b>						<b>\$21,000</b>



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

**IN THE MATTER OF:**

<b>SOUTH ORANGE COUNTY</b>	)	
<b>WASTEWATER AUTHORITY</b>	)	
<b>SAN JUAN CREEK OCEAN OUTFALL</b>	)	
<b>CHIQUITA WATER RECLAMATION PLANT</b>	)	<b>COMPLAINT NO. R9-2008-0091</b>
<b>VIOLATIONS OF EFFLUENT LIMITATIONS</b>	)	<b>FOR</b>
<b>IN ORDER NO. R9-2006-00054, NPDES NO</b>	)	<b>ADMINISTRATIVE CIVIL LIABILITY</b>
<b>CA0107417, WASTE DISCHARGE</b>	)	<b>WITH</b>
<b>REQUIREMENTS AND NPDES PERMIT</b>	)	<b>MANDATORY MINIMUM PENALTIES</b>
<b>FOR THE SOUTH ORANGE COUNTY</b>	)	
<b>WASTEWATER AUTHORITY DISCHARGE</b>	)	
<b>TO THE PACIFIC OCEAN VIA SAN JUAN</b>	)	
<b>CREEK OCEAN OUTFALL ORANGE</b>	)	<b>August 14, 2008</b>
<b>COUNTY, CALIFORNIA</b>	)	
	)	
<b>Place ID: 257518</b>	)	
<b>WDID NO. 9 000000175</b>	)	

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, SAN JUAN CREEK OCEAN OUTFALL IS HEREBY GIVEN NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) owns and holds the NPDES permit for the San Juan Creek Ocean Outfall (Order No. R9-2006-0054, NPDES No. CA0107417) on behalf of all its member agencies. The Santa Margarita Water District operates the Chiquita Water Reclamation Plant (WRP) and discharges wastewater to the San Juan Creek Ocean Outfall as a member agency under Order No. R9-2006-0054.
2. SOCWA is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to water of the United States. The Regional Board must impose mandatory minimum penalties (MMP) for the violations alleged in this complaint.
3. Treated effluent is discharged into the Pacific Ocean, from the Chiquita WRP, that is subject to numeric effluent limitations, contained in Order No. R9-2006-0054, NPDES Permit No. CA0107417, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County.*

4. Water Code Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. Water Code Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
5. Water Code Section 13385 subdivision (i) also requires that a MMP of \$3,000 be imposed for each violation (i.e. incomplete reports and any waste discharge that violates an effluent limitation contained in waste discharge requirements and applies to surface water discharges) beginning with the fourth violations in any six-month period.
6. The Regional Board has discretionary authority to impose liability for every violation of an NPDES permit (CWC Section 13385(a)(2)). While CWC Sections 13385(h) and (i) require certain minimum penalties, CWC Section 13385(c) gives the Regional Board authority to impose liability as high as \$10,000 per day for those violations and \$10 per gallon per gallon.<sup>1</sup> CWC Section 13385(e) provides factors to be considered by the Regional Board when determining the amount of any liability imposed under CWC Sections 13385(a) and 13385(c).<sup>2</sup>

---

<sup>1</sup> CWC Section 13385(c) states: Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

<sup>2</sup> Pursuant to CWC Section 13385(e): In determining the amount of any liability imposed under CWC Sections 13385(a) and (c), the Regional Board must take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

**ALLEGATIONS**

7. SOCWA reported effluent sampling results to the Regional Board pursuant to the Order No. R9-2006-0054's Monitoring and Reporting schedule. From December 2006 to January 2007, SOCWA reported nine violations of effluent limitations for total suspended solids (TSS), settleable solids (SS), chlorine residual, and carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (as described in Table 1 below).

Table 1: Summary of Effluent Violations

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious/Chronic Violation
12/30/2006	TSS	average weekly	45.0	59.6	No
12/31/2006	TSS	average monthly	30.0	32.1	No
12/26/2006	SS	instantaneous max	3.0	15.0	Yes
12/30/2006	SS	average weekly	1.5	<3.2	Yes
12/31/2006	SS	average monthly	1.0	<1.3	Yes
1/1/2007	SS	instantaneous max	3.0	8.0	Yes
1/6/2007	SS	average weekly	1.5	2.1	Yes
1/31/2006	SS	average monthly	1.0	<1.1	Yes
1/6/2007	CBOD <sub>5</sub>	average weekly	40.0	>39	Yes
1/6/2007	TSS	failed to report	n/a	n/a	Yes
1/1/2007	Chlorine residual	max daily	808.0	5500	Yes

**PROPOSED CIVIL LIABILITY**

8. Maximum Potential Liability. The maximum liability for violations cited in this complaint, pursuant to CWC Section 13385(c)(1), can be calculated based on:

- a. CWC Section 13385(c)(1): Liability can be assessed for ten thousand dollars (\$10,000) per day of violation, resulting in the maximum liability of five hundred thirty thousand dollars (\$530,000) for effluent violations that occurred on 53 days (summarized in Table 2 below); and/or
- b. CWC Section 13385(c)(2): Liability can be assessed for ten dollars per gallon discharged, resulting in the maximum liability of one billion two hundred sixty million five hundred thousand dollars (\$1,260,500,000), for one hundred twenty six million fifty thousand (126,050,000) gallons of wastewater discharged to the Pacific Ocean during the period of violation (summarized in Table 2 below).

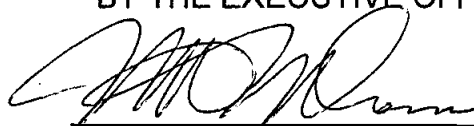
Table 2 - Summary of Volume of Wastewater and Days Subject to Liability

Violation Period	Monthly Average Flow (gallons per day)	Number of Days	Total flow (gallons)	Liability based on \$10 per gallon of violation	Liability based on \$10,000 per day of violations
12/1/06-12/31/06	2,810,000	31	87,110,000	\$871,100,000	\$310,000
1/1/06-1/15/07 1/24/07 1/26/07-1/31/06	1,770,000	22	38,940,000	\$389,400,000	\$220,000
<b>Total</b>				<b>\$1,260,500,000</b>	<b>\$530,000</b>

9. Pursuant to CWC Sections 13385 (h) and (i) of the CWC, mandatory minimum penalty in the amount of twenty seven thousand dollars (\$27,000) is recommended for nine serious and non-serious violations of effluent limitations. (\$3000 for each 9 violations, summarized in Table 3, attached). Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 14<sup>th</sup> day of August 2008

BY THE EXECUTIVE OFFICER



MICHAEL McCANN  
 Assistant Executive Officer

Signed pursuant to the authority  
 delegated by the Executive  
 Officer to the Assistant Executive  
 Officer

Attachment: Table 3 Summary of Violations Subject to Mandatory Minimum Penalties

**CIWQS Entries**

Regulatory Measure ID: 309059 (Order No. R9-2006-0054) and 349601 (ACL)  
 Party ID: 41388 (SOCWA)  
 Place ID: 257518  
 Violation IDs: 494046, 494048, 494049, 494060, 494063, 494067, 494057, 494073, and 494074

Table 3 - Summary of Effluent Violations Subject to Mandatory Minimum Penalties

Violation Date	Constituent	Effluent Limitation	Permitted Limit	Reported Value	Serious Violation	Mandatory Minimum Penalty
12/30/2006	TSS	average weekly	45.0	59.6	No	\$0
12/31/2006	TSS	average monthly	30.0	32.1	No	\$0
12/26/2006	SS	instantaneous max	3.0	15.0	Yes	\$3,000
12/30/2006	SS	average weekly	1.5	<3.2	Yes	\$3,000
12/31/2006	SS	average monthly	1.0	<1.3	No	\$3,000
1/1/2007	SS	instantaneous max	3.0	8.0	Yes	\$3,000
1/6/2007	SS	average weekly	1.5	2.1	No	\$3,000
1/31/2006	SS	average monthly	1.0	<1.1	No	\$3,000
1/6/2007	CBOD <sub>5</sub>	average weekly	40.0	>39	Yes	\$3,000
1/6/2007	TSS	failed to report	n/a	n/a	No	\$3,000
1/1/2007	Chlorine residual	max daily	808.0	5500	Yes	\$3,000
<b>TOTAL MMP</b>						<b>\$27,000</b>

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

IN THE MATTER OF:

SOUTH ORANGE COUNTY	)	
WASTEWATER AUTHORITY	)	
SAN JUAN CREEK OCEAN OUTFALL	)	
	)	
CITY OF SAN JUAN CAPISTRANO	)	COMPLAINT NO. R9-2008-0092
REVERSE OSMOSIS	)	FOR
WATER TREATMENT PLANT	)	ADMINISTRATIVE CIVIL LIABILITY
	)	
VIOLATIONS OF EFFLUENT LIMITATIONS	)	WITH
IN ORDER NO. R9-2006-00054, NPDES NO	)	
CA0107417, WASTE DISCHARGE	)	MANDATORY MINIMUM PENALTIES
REQUIREMENTS AND NPDES PERMIT	)	
FOR THE SOUTH ORANGE COUNTY	)	
WASTEWATER AUTHORITY DISCHARGE	)	August 14, 2008
TO THE PACIFIC OCEAN VIA SAN JUAN	)	
CREEK OCEAN OUTFALL ORANGE	)	
COUNTY, CALIFORNIA	)	
	)	
Place ID: 650609	)	
<u>WDID NO. 9 000000175</u>	)	

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, SAN JUAN CREEK OCEAN OUTFALL IS HEREBY GIVEN NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) owns and holds the NPDES-permit for the San Juan Creek Ocean Outfall (Order No. R9-2006-0054, NPDES No. CA0107417) on behalf of all its member agencies. The City of San Juan Capistrano operates the Reverse Osmosis (RO) Water Treatment Plant and discharges brine to the San Juan Creek Ocean Outfall as a member agency under Order No. R9-2006-0054.
2. SOCWA is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to waters of the United States. The Regional Board must impose mandatory minimum penalties (MMP) for the violations alleged in this complaint.

3. Treated effluent is discharged into the Pacific Ocean, from the City of San Juan Capistrano RO Water Treatment Plant, that is subject to numeric effluent limitations, contained in Order No. R9-2006-0054, NPDES Permit No. CA0107417, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County.*
4. Water Code Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. Water Code Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
5. The Regional Board has discretionary authority to impose liability for every violation of an NPDES permit (CWC Section 13385(a)(2)). While CWC Sections 13385(h) and (i) require certain minimum penalties, CWC Section 13385(c) gives the Regional Board authority to impose liability as high as \$10,000 per day for those violations and \$10 per gallon per gallon.<sup>1</sup> CWC Section 13385(e) provides factors to be considered by the Regional Board when determining the amount of any liability imposed under CWC Sections 13385(a) and 13385(c).<sup>2</sup>

---

<sup>1</sup> CWC Section 13385(c) states: Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

<sup>2</sup> Pursuant to CWC Section 13385(e): In determining the amount of any liability imposed under CWC Sections 13385(a) and (c), the Regional Board must take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

**ALLEGATIONS**

6. SOCWA reported effluent sampling results to the Regional Board pursuant to the Order No. R9-2006-0054's Monitoring and Reporting schedule. In March 2007 and July 2007, SOCWA reported two violations of effluent limitations for total suspended solids (TSS) (as described in Table 1 below).

Table 1: Summary of Effluent Violations

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious Violation
3/31/2007	TSS	average monthly	60	98.0	Yes
7/31/2007	TSS	average monthly	60	98.0	Yes

**PROPOSED CIVIL LIABILITY**

7. Maximum Potential Liability. The maximum liability for violations cited in this complaint, pursuant to CWC Section 13385(c)(1), can be calculated based on:
- a. CWC Section 13385(c)(1): Liability can be assessed for ten thousand dollars (\$10,000) per day of violation, resulting in the maximum liability of five hundred ninety thousand dollars (\$590,000) for effluent violations that occurred on 59 days (summarized in Table 2 below); and/or
  - b. CWC Section 13385(c)(2): Liability can be assessed for ten dollars per gallon discharged, resulting in the maximum liability of three hundred fifty nine million six hundred seventy thousand dollars (\$359,670,000), for thirty five million nine hundred sixty seven thousand (35,967,000) gallons of wastewater discharged to the Pacific Ocean during the period of violation (summarized in Table 2 below).

Table 2: Summary of Volume of Wastewater and Days Subject to Liability

Violation Period	Monthly Average Flow (gallons per day)	Number of Days	Total flow (gallons)	Liability based on \$10 per gallon of violation	Liability based on \$10,000 per day of violations
3/1/07-3/5/07 3/9/07-3/31/07	752,000	28	21,056,000	\$210,560,000	\$280,000
7/1/07 - 7/31/07	481,000	31	14,911,000	\$149,110,000	\$310,000
<b>Total</b>				<b>\$359,670,000</b>	<b>\$590,000</b>





Table 3 - Summary of Effluent Violations Subject to Mandatory Minimum Penalties

Violation Date	Constituent	Effluent Limitation	Permitted Limit	Reported Value	Serious Violation	Mandatory Minimum Penalty
3/31/2007	TSS	average monthly	60	98.0	Yes	\$3,000
7/31/2007	TSS	average monthly	60	98.0	Yes	\$3,000
<b>TOTAL MMP</b>						<b>\$6,000</b>

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

**IN THE MATTER OF:**

<b>SOUTH ORANGE COUNTY</b>	)	
<b>WASTEWATER AUTHORITY</b>	)	
<b>SAN JUAN CREEK OCEAN OUTFALL</b>	)	
	)	
<b>SOUTH COAST WATER DISTRICT</b>	)	<b>COMPLAINT NO. R9-2008-0093</b>
<b>GROUNDWATER RECOVERY FACILITY</b>	)	<b>FOR</b>
	)	<b>ADMINISTRATIVE CIVIL LIABILITY</b>
	)	
<b>VIOLATIONS OF EFFLUENT LIMITATIONS</b>	)	<b>WITH</b>
<b>IN ORDER NO. R9-2006-00054, NPDES NO</b>	)	
<b>CA0107417, WASTE DISCHARGE</b>	)	
<b>REQUIREMENTS AND NPDES PERMIT</b>	)	<b>MANDATORY MINIMUM PENALTIES</b>
<b>FOR THE SOUTH ORANGE COUNTY</b>	)	
<b>WASTEWATER AUTHORITY DISCHARGE</b>	)	
<b>TO THE PACIFIC OCEAN VIA SAN JUAN</b>	)	<b>August 14, 2008</b>
<b>CREEK OCEAN OUTFALL ORANGE</b>	)	
<b>COUNTY, CALIFORNIA</b>	)	
	)	
<b>Place ID: 704670</b>	)	
<b><u>WDID NO. 9 000000175</u></b>	)	

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, SAN JUAN CREEK OCEAN OUTFALL IS HEREBY GIVEN NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) owns and holds the NPDES permit for the San Juan Creek Ocean Outfall (Order No. R9-2006-0054, NPDES-No.-CA0107417) on behalf of all its member agencies. The South Coast Water District (SCWD) operates the Groundwater Recovery Facility and discharges brine to the San Juan Creek Ocean Outfall as a member agency under Order No. R9-2006-0054.
2. SOCWA is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to water of the United States. The Regional Board must impose mandatory minimum penalties (MMP) for the violations alleged in this complaint.

3. Treated effluent is discharged into the Pacific Ocean, from the SCWD Groundwater Recovery Facility, that is subject to numeric effluent limitations, contained in Order No. R9-2006-0054, NPDES Permit No. CA0107417, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County.*
4. Water Code Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. Water Code Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
5. Water Code Section 13385 subdivision (i) also requires that a MMP of \$3,000 be imposed for each violation (i.e. incomplete reports and any waste discharge that violates an effluent limitation contained in waste discharge requirements and applies to surface water discharges) beginning with the fourth violations in any six-month period.
6. The Regional Board has discretionary authority to impose liability for every violation of an NPDES permit (CWC Section 13385(a)(2)). While CWC Sections 13385(h) and (i) require certain minimum penalties, CWC Section 13385(c) gives the Regional Board authority to impose liability as high as \$10,000 per day for those violations and \$10 per gallon per gallon.<sup>1</sup> CWC Section 13385(e) provides factors to be considered by the Regional Board when determining the amount of any liability imposed under CWC Sections 13385(a) and 13385(c).<sup>2</sup>

---

<sup>1</sup> CWC Section 13385(c) states: Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.; (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

<sup>2</sup> Pursuant to CWC Section 13385(e): In determining the amount of any liability imposed under CWC Sections 13385(a) and (c), the Regional Board must take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

**ALLEGATIONS**

7. SOCWA reported effluent sampling results to the Regional Board pursuant to the Order No. R9-2006-0054's Monitoring and Reporting schedule. Between December 2006 and February 2008, SOCWA reported 19 violations of effluent limitations for total suspended solids (TSS), turbidity, settleable solids (SS), chlorine residual, and carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (as described in Table 1 below).

Table 1: Summary of Effluent Violations

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious/Chronic Violation
8/31/2007	TSS	average monthly	60	98.0	Yes
8/23/2007	turbidity	instantaneous max	225	260	No
8/23/2007	turbidity	average weekly	100	260	Yes
8/31/2007	turbidity	average monthly	75	260	Yes
9/30/2007	turbidity	average weekly	100	173	Yes
9/30/2007	turbidity	average monthly	75	173	Yes
9/27/2007		instantaneous max	3.0	3.2	No
9/30/2007	SS	average monthly	1.0	1.1	No
10/31/2007	TSS	average monthly	60	71.0	No
11/28/2007	TSS	average monthly	60	65.0	No
11/21/2007	turbidity	instantaneous max	225	273	No
11/21/2007	turbidity	average weekly	100	273	Yes
11/28/2007	turbidity	average monthly	75	120	Yes
12/28/2007	TSS	average monthly	60	114.0	Yes
12/21/2007	turbidity	instantaneous max	225	393	Yes
12/21/2007	turbidity	average weekly	100	393	Yes
12/28/2007	turbidity	average monthly	75	393	Yes
3/29/2008	turbidity	average weekly	100	177.1	Yes
3/31/2008	turbidity	average monthly	75	177.1	Yes
3/31/2008	TSS	average monthly	60	85.9	Yes

**PROPOSED CIVIL LIABILITY**

8. Maximum Potential Liability. The maximum liability for violations cited in this complaint, pursuant to CWC Section 13385(c)(1), can be calculated based on:

- a. CWC Section 13385(c)(1): Liability can be assessed for ten thousand dollars (\$10,000) per day of violation, resulting in the maximum liability of four hundred seventy thousand dollars (\$470,000) for effluent violations that occurred on 118 days (summarized in Table 2 below); and/or

- b. CWC Section 13385(c)(2): Liability can be assessed for ten dollars per gallon discharged, resulting in the maximum liability of three hundred eighty eight million seven hundred sixty thousand dollars (\$388,760,000), for thirty eight million eight hundred seventy six thousand (38,876,000) gallons of wastewater discharged to the Pacific Ocean during the period of violation (summarized in Table 2 below).

Table 2 - Summary of Volume of Wastewater and Days Subject to Liability

Violation Period	Monthly Average Flow (gallons per day)	Number of Days	Total flow (gallons)	Liability based on \$10 per gallon of violation	Liability based on \$10,000 per day of violations
8/1/07-8/31/07	1,140,000	31	35,340,000	\$353,400,000	\$310,000
9/1/07-9/13/07 9/17/07-9/30/07	920,000	27	24,840,000	\$248,400,000	\$270,000
10/1/07-10/2/07 10/4/07-10/6/07 10/8/07 10/10/08 10/12/07 10/25/07-10/26/07 10/29/07-10/31/07	270,000	13	3,510,000	\$35,100,000	\$130,000
11/1/07-11/2/07 11/5/07-11/9/07 11/13/07-11/16/07 11/19/07 11/21/07 11/26/07 11/28/07	690,000	15	10,350,000	\$103,500,000	\$150,000
12/3/07-12/7/07 12/10/07-12/11/07 12/14/07 12/17/07-12/21/07 12/26/07-12/28/07	210,000	16	3,360,000	\$33,600,000	\$160,000
3/3/08-3/7/08 3/21/08-3/31/08	221,000	16	3,536,000	\$35,360,000	\$160,000
<b>Total</b>				<b>\$388,760,000</b>	<b>\$470,000</b>

August 14, 2008

- Pursuant to CWC Sections 13385 (h) and (i) of the CWC, mandatory minimum penalty in the amount of fifty seven thousand dollars (\$57,000) is recommended for 19 serious and non-serious violations of effluent limitations. (\$3000 for each 19 violations, summarized in Table 3, attached). Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 14<sup>th</sup> day of August 2008

BY THE EXECUTIVE OFFICER



MICHAEL McCANN  
Assistant Executive Officer

Signed pursuant to the authority  
delegated by the Executive  
Officer to the Assistant Executive  
Officer

Attachment: Table 3 Summary of Violations Subject to Mandatory Minimum Penalties

**CIWQS Entries**

Regulatory Measure ID: 309059 (Order No. R9-2006-0054) and 349607 (ACL):

Party ID: 41388 (SOCWA)

Place ID: 704670

Violation IDs: 689715, 689220, 689237, 689267, 689282, 689307, 689310, 698165, 715281, 715317, 715322, 754137, 724195, 724233, 724234, 724241, 755310, 755317, and 755198

Table 3 - Summary of Effluent Violations Subject to Mandatory Minimum Penalties

Violation Date	Constituent	Effluent Limitation	Permitted Limit	Reported Value	Serious Violation	Mandatory Minimum Penalty
8/31/2007	TSS	average monthly	60	98.0	Yes	\$3,000
8/23/2007	turbidity	instantaneous max	225	260	No	\$0
8/23/2007	turbidity	average weekly	100	260	Yes	\$3,000
8/31/2007	turbidity	average monthly	75	260	Yes	\$3,000
9/30/2007	turbidity	average weekly	100	173	Yes	\$3,000
9/30/2007	turbidity	average monthly	75	173	Yes	\$3,000
9/27/2007	SS	instantaneous max	3.0	3.2	No	\$3,000
9/30/2007	SS	average monthly	1.0	1.1	No	\$3,000
10/31/2007	TSS	average monthly	60	71.0	No	\$3,000
11/28/2007	TSS	average monthly	60	65.0	No	\$3,000
11/21/2007	turbidity	instantaneous max	225	273	No	\$3,000
11/21/2007	turbidity	average weekly	100	273	Yes	\$3,000
11/28/2007	turbidity	average monthly	75	120	Yes	\$3,000
12/28/2007	TSS	average monthly	60	114.0	Yes	\$3,000
12/21/2007	turbidity	instantaneous max	225	393	Yes	\$3,000
12/21/2007	turbidity	average weekly	100	393	Yes	\$3,000
12/28/2007	turbidity	average monthly	75	393	Yes	\$3,000
3/29/2008	turbidity	average weekly	100	177.1	Yes	\$3,000
3/31/2008	turbidity	average monthly	75	177.1	Yes	\$3,000
3/31/2008	TSS	average monthly	60	85.9	Yes	\$3,000
<b>TOTAL MMP</b>						<b>\$57,000</b>



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

**IN THE MATTER OF:**

<p><b>SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SAN JUAN CREEK OCEAN OUTFALL</b></p>	)	
	)	
<p><b>VIOLATIONS OF EFFLUENT LIMITATIONS IN ORDER NO. R9-2000-13, NPDES NO CA0107417, WASTE DISCHARGE REQUIREMENTS FOR THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, ORANGE COUNTY, DISCHARGE TO THE PACIFIC OCEAN THROUGH THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY SAN JUAN CREEK OCEAN OUTFALL.</b></p>	)	<p><b>COMPLAINT NO. R9-2008-0094 FOR ADMINISTRATIVE CIVIL LIABILITY</b></p>
	)	
	)	<b>WITH</b>
	)	<p><b>MANDATORY MINIMUM PENALTIES</b></p>
	)	
	)	<b>August 14, 2008</b>
	)	
<p><b>Place ID: 257592 WDID NO. 9 000000175</b></p>	)	

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, SAN JUAN CREEK OCEAN OUTFALL IS HEREBY GIVEN NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) owns and holds the NPDES permit for the San Juan Creek Ocean Outfall (Order No. R9-2000-13, NPDES No. CA0107417) on behalf of all its member agencies.
2. ~~SOCWA is alleged to have violated provisions of law for which the California~~ Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to §13385 of the California Water Code (CWC). ~~The violations alleged herein include violations of effluent limitations in waste~~ discharge requirements for discharges of pollutants from point sources to water of the United States. The Regional Board must impose mandatory minimum penalties (MMP) for the violations alleged in this complaint.
3. Treated effluent is discharged into the Pacific Ocean, that is subject to numeric effluent limitations, contained in Order No. R9-2000-13, NPDES Permit No. CA0107417; *Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall.*

4. Water Code Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. Water Code Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
5. The Regional Board has discretionary authority to impose liability for every violation of an NPDES permit (CWC Section 13385(a)(2)). While CWC Sections 13385(h) and (i) require certain minimum penalties, CWC Section 13385(c) gives the Regional Board authority to impose liability as high as \$10,000 per day for those violations and \$10 per gallon per gallon.<sup>1</sup> CWC Section 13385(e) provides factors to be considered by the Regional Board when determining the amount of any liability imposed under CWC Sections 13385(a) and 13385(c).<sup>2</sup>

### ALLEGATIONS

6. SOCWA reported effluent sampling results to the Regional Board pursuant to the Order No. R9-2000-13's Monitoring and Reporting schedule. In September 2005, SOCWA reported two violations of effluent limitations for settleable solids (SS) and chlorine residual (as described in Table 1 below).

Table 1: Summary of Effluent Violations

Violation Date	Constituent	Effluent Limitation	Permitted Limit (mg/L)	Reported Value (mg/L)	Serious Violation
9/1/2005	SS	daily maximum	3.0	5.0	Yes
9/21/2005	Chlorine residual	average weekly	0.808	1.0	Yes

<sup>1</sup> CWC Section 13385(c) states: Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

<sup>2</sup> Pursuant to CWC Section 13385(e): In determining the amount of any liability imposed under CWC Sections 13385(a) and (c), the Regional Board must take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

**PROPOSED CIVIL LIABILITY**

7. Maximum Potential Liability. The maximum liability for violations cited in this complaint, pursuant to CWC Section 13385(c)(1), can be calculated based on:
  - a. CWC Section 13385(c)(1): Liability can be assessed for ten thousand dollars (\$10,000) per day of violation, resulting in the maximum liability of twenty thousand dollars (\$20,000) for effluent violations that occurred on 2 days (summarized in Table 2 below); and/or
  - b. CWC Section 13385(c)(2): Liability can be assessed for ten dollars per gallon discharged, resulting in the maximum liability of forty four million four hundred thousand dollars (\$44,400,000), for four million four hundred forty thousand (4,440,000) gallons of wastewater discharged to the Pacific Ocean during the period of violation (summarized in Table 2 below).

**Table 2 - Summary of Volume of Wastewater and Days Subject to Liability**

Violation Period	Monthly Average Flow (gallons per day)	Number of Days	Total flow (gallons)	Liability based on \$10 per gallon of violation	Liability based on \$10,000 per day of violations
9/1/2005	2,220,000	1	2,220,000	\$22,200,000	\$10,000
9/21/2005	2,220,000	1	2,220,000	\$22,200,000	\$10,000
<b>Total</b>				<b>\$44,400,000</b>	<b>\$20,000</b>

8. Pursuant to CWC Sections 13385 (h) and (i) of the CWC, mandatory minimum penalty in the amount of six thousand (\$6,000) is recommended for two serious violations of effluent limitations. (\$3000 for each two violations, summarized in Table 3, attached). Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 14<sup>th</sup> day of August 2008

BY THE EXECUTIVE OFFICER



MICHAEL McCANN  
Assistant Executive Officer

Signed pursuant to the authority  
delegated by the Executive  
Officer to the Assistant Executive  
Officer

Attachment: Table 3 Summary of Violations Subject to Mandatory Minimum Penalties

**CIWQS Entries**

Regulatory Measure ID: 147564 (Order No. R9-2000-13) and 349609 (ACL):

Party ID: 41388 (SOCWA)

Place ID: 257592

Violation IDs: 368322 and 368324

Table 3 - Summary of Effluent Violations Subject to Mandatory Minimum Penalties

Violation Date	Constituent	Effluent Limitation	Permitted Limit	Reported Value	Serious Violation	Mandatory Minimum Penalty
9/1/2005	SS	daily maximum	3.0	5.0	Yes	\$3,000
9/21/2005	Chlorine residual	average weekly	0.808	1.0	Yes	\$3,000
<b>TOTAL MMP</b>						<b>\$6,000</b>



# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Linda S. Adams  
Secretary for Environmental  
Protection

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

### WAIVER OF RIGHT TO A PUBLIC HEARING

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater  
Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Complaint No. R9-2008-0090  
For  
Administrative Civil Liability

**\$21,000**

By signing below, I agree to waive South Orange County Wastewater Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up South Orange County Wastewater Authority's right to be heard, and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Ms. Joann Cofrancesco, Compliance Assurance Unit  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**WAIVER  
OF RIGHT TO A  
PUBLIC HEARING**

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater  
Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Complaint No. R9-2008-0091  
For  
Administrative Civil Liability

**\$27,000**

By signing below, I agree to waive South Orange County Wastewater Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up South Orange County Wastewater Authority's right to be heard, and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

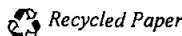
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Ms. Joann Cofrancesco, Compliance Assurance Unit  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

*California Environmental Protection Agency*





# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Linda S. Adams

Secretary for Environmental  
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340

(858) 467-2952 • Fax (858) 571-6972

[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Arnold Schwarzenegger  
Governor

### WAIVER OF RIGHT TO A PUBLIC HEARING

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater  
Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Complaint No. R9-2008-0092  
For  
Administrative Civil Liability

**\$6,000**

By signing below, I agree to waive South Orange County Wastewater Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up South Orange County Wastewater Authority's right to be heard, and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

Signature

Title

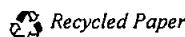
Date

Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Ms. Joann Cofrancesco, Compliance Assurance Unit  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

*California Environmental Protection Agency*







# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**WAIVER  
OF RIGHT TO A  
PUBLIC HEARING**

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater  
Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Complaint No. R9-2008-0093  
For  
Administrative Civil Liability

**\$57,000**

By signing below, I agree to waive South Orange County Wastewater Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up South Orange County Wastewater Authority's right to be heard, and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the-civil-liability-imposed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

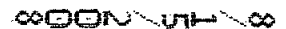
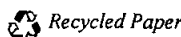
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Ms. Joann Cofrancesco, Compliance Assurance Unit  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

*California Environmental Protection Agency*





# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Linda S. Adams

Secretary for Environmental  
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340

(858) 467-2952 • Fax (858) 571-6972

[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Arnold Schwarzenegger  
Governor

**WAIVER  
OF RIGHT TO A  
PUBLIC HEARING**

Mr. Tom Rosales  
General Manager  
South Orange County Wastewater  
Authority  
34156 Del Obispo Street  
Dana Point, California 92629

Complaint No. R9-2008-0094  
For  
Administrative Civil Liability

**\$6,000**

By signing below, I agree to waive South Orange County Wastewater Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up South Orange County Wastewater Authority's right to be heard, and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Ms. Joann Cofrancesco, Compliance Assurance Unit  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

**NOTICE OF WAIVER OF PUBLIC HEARING**

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
Against  
South Orange County Wastewater Authority  
San Juan Creek Ocean Outfall  
Orange County, California**

On August 14, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0090 to the South Orange County Wastewater Authority (Discharger) in the amount of \$21,000 for alleged violations of Order No. R9-2006-0054, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*. The Discharger has elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$21,000 as set forth in the Complaint. The Regional Board will consider accepting Discharger's waiver at its November 12, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0090, and/or acceptance of the waiver, will be accepted through Monday, October 27, 2008.

The Regional Board's November 12, 2008 meeting will be at the Regional Board meeting room, 9174 Sky Park Court, Suite 100, San Diego, CA 92123. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Ms. Joann Cofrancesco at (858) 637-5589, or at [JCofrancesco@waterboards.ca.gov](mailto:JCofrancesco@waterboards.ca.gov) or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN  
Assistant Executive Officer

Assistant Executive Officer

## NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
Against  
South Orange County Wastewater Authority  
San Juan Creek Ocean Outfall  
Orange County, California**

On August 14, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0091 to the South Orange County Wastewater Authority (Discharger) in the amount of \$27,000 for alleged violations of Order No. R9-2006-0054, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*. The Discharger has elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$27,000 as set forth in the Complaint. The Regional Board will consider accepting Discharger's waiver at its November 12, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0091, and/or acceptance of the waiver, will be accepted through Monday, October 27, 2008.

The Regional Board's November 12, 2008 meeting will be at the Regional Board meeting room, 9174 Sky Park Court, Suite 100, San Diego, CA 92123. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Ms. Joann Cofrancesco at (858) 637-5589, or at [JCofrancesco@waterboards.ca.gov](mailto:JCofrancesco@waterboards.ca.gov) or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN

Assistant Executive Officer

Assistant Executive Officer

NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
Against  
South Orange County Wastewater Authority  
San Juan Creek Ocean Outfall  
Orange County, California**

On August 14, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0092 to the South Orange County Wastewater Authority (Discharger) in the amount of \$6,000 for alleged violations of Order No. R9-2006-0054, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*. The Discharger has elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$6,000 as set forth in the Complaint. The Regional Board will consider accepting Discharger's waiver at its November 12, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0092, and/or acceptance of the waiver, will be accepted through Monday, October 27, 2008.

The Regional Board's November 12, 2008 meeting will be at the Regional Board meeting room, 9174 Sky Park Court, Suite 100, San Diego, CA 92123. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Ms. Joann Cofrancesco at (858) 637-5589, or at [JCofrancesco@waterboards.ca.gov](mailto:JCofrancesco@waterboards.ca.gov) or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN  
Assistant Executive Officer

Assistant Executive Officer

## NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
Against  
South Orange County Wastewater Authority  
San Juan Creek Ocean Outfall  
Orange County, California**

On August 14, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0093 to the South Orange County Wastewater Authority (Discharger) in the amount of \$57,000 for alleged violations of Order No. R9-2006-0054, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*. The Discharger has elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$57,000 as set forth in the Complaint. The Regional Board will consider accepting Discharger's waiver at its November 12, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0093, and/or acceptance of the waiver, will be accepted through Monday, October 27, 2008.

The Regional Board's November 12, 2008 meeting will be at the Regional Board meeting room, 9174 Sky Park Court, Suite 100, San Diego, CA 92123. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Ms. Joann Cofrancesco at (858) 637-5589, or at [JCofrancesco@waterboards.ca.gov](mailto:JCofrancesco@waterboards.ca.gov) or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN

Assistant Executive Officer

Assistant Executive Officer



**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:

Tom Rosales  
 General Manager  
 South Orange County  
 Wastewater Authority  
 34156 Del Obispo St  
 Dana Point, CA 92629

2. Article Number

(Transfer from service label)

7005 2570 0001 4287 3700

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
**CERTIFIED MAIL™**



U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage

\$ 1.85

Certified Fee

2.65

Return Receipt Fee  
(Endorsement Required)

2.15

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$ 6.65

Postmark  
Here

mark  
re

Sent To

Tom Rosales

Street, Apt. No.,  
or PO Box No.

34156 Del Obispo St.

City, State, ZIP+4

Dana Point CA 92629

PS Form 3800, June 2002

See Reverse for Instructions

for Instructions