

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 4-5, 2008
Prepared August 13, 2008

ITEM NUMBER: 23

SUBJECT: **Mandatory Penalty Order No. R3-2008-0054, California Men's Colony Wastewater Treatment Facility, San Luis Obispo County**

KEY INFORMATION

Discharger: California Department of Corrections and Rehabilitation: California Men's Colony

Location: Highway 1, North of San Luis Obispo, behind Cuesta College

Discharge Type: Domestic wastewater, approximately 1.2 million gallons per day (average dry weather flows)

Existing Order: Waste Discharge Requirements Order No. R3-2006-0032, NPDES Permit No. CA0047856

This Action: Adpot Proposed Mandatory Penalty Order

SUMMARY

The California Men's Colony (CMC) Wastewater Treatment Facility (Facility) committed 45 effluent violations in the period of July 1, 2006, through April 30, 2008. The Assistant Executive Officer issued a mandatory penalty complaint for these violations on July 16, 2008. The CMC waived its right to a hearing in a letter dated August 4, 2008. The proposed Order would assess the CMC a penalty of \$135,000.

DISCUSSION

Facility. CMC operates wastewater collection, treatment, and disposal facilities that serve CMC, California National Guard's Camp San Luis Obispo, San Luis Obispo County's Operations Center, Dairy Creek Golf Course, El Chorro Regional Park, San Luis Obispo County Office of Education, and Cuesta College. The majority of wastewater flow originates from CMC. The wastewater facilities include a four-mile-long trunk sewer line and a tertiary treatment plant adjacent to Chorro Creek. A portion of the tertiary treated wastewater is used to irrigate the Dairy Creek Golf Course; the remainder is discharged into Chorro Creek.

CMC's discharge is subject to *Waste Discharge Requirements Order No. R3-2006-0032, NPDES Permit No. CA0047856, for California Department of Corrections, California Men's Colony, San Luis Obispo County (Order No. R3-2006-0032).*

Violations

According to CMC's monitoring reports, CMC committed the following violations of effluent limitations of Order No. R3-2006-0032 in the period July 1, 2006, through April 31, 2008:

#	Violation Date	CIWQS Violation No.	Constituent	Permit Limit	Reported Value	Violation Type
1	8/20/2006	439166	Total Coliform	1	4 MPN	Chronic
2	8/21/2006	439167	Total Coliform	1	4 MPN	Chronic
3	8/22/2006	439168	Total Coliform	1	7 MPN	Chronic
4	8/23/2006	439170	Total Coliform	1	4 MPN	Chronic
5	8/24/2006	439171	Total Coliform	1	4 MPN	Chronic
6	8/25/2006	439172	Total Coliform	1	4 MPN	Chronic
7	8/26/2006	439173	Total Coliform	1	4 MPN	Chronic
8	8/28/2006	439174	Total Coliform	1	4 MPN	Chronic
9	8/29/2006	439175	Total Coliform	1	4 MPN	Chronic
10	1/16/2007	611295	Sulfate	125 mg/L	510 mg/L	Serious
11	2/15/2007	566486	Chlorine Residual, Total	2	>2.2 mg/L	Serious
12	3/20/2007	567291	Total Coliform	1	500 MPN	Chronic
13	8/30/2007	660680	Total Coliform	1	17 MPN	Chronic
14	8/31/2007	660681	Total Coliform	1	17 MPN	Chronic
15	9/4/2007	691893	Total Coliform	1	920 MPN	Chronic
16	9/7/2007	691895	Total Coliform	1	46 MPN	Chronic
17	9/10/2007	691896	Total Coliform	1	540 MPN	Chronic
18	9/13/2007	691897	Total Coliform	1	110 MPN	Chronic
19	9/14/2007	691899	Total Coliform	1	110 MPN	Chronic
20	9/16/2007	691892	pH	6.5-8.3 s.u.	6.3 s.u.	Chronic
21	9/16/2007	691900	Dissolved Oxygen	> 2.0 mg/L	0.2 mg/L	Chronic
22	10/1/2007	698115	Chlorine Residual, Total	2	2.54 mg/L	Serious
23	10/2/2007	698118	Chlorine Residual, Total	2	0.61 mg L	Serious
24	10/3/2007	698119	Chlorine Residual, Total	2	0.32 mg/L	Serious
25	10/7/2007	698120	Chlorine Residual, Total	2	0.52 mg/L	Serious
26	10/16/2007	698116	Chlorine Residual, Total	2	2.92 mg/L	Serious
27	10/23/2007	698126	Chlorodibromomethane	3.5 ug/L ³	8.3 ug/L	Serious
28	10/23/2007	698127	Dichlorobromomethane	13 ug/L ³	16 ug/L	Serious
29	10/24/2007	698122	Chlorine Residual, Total	2	1.93 mg/L	Serious
30	10/25/2007	698123	Chlorine Residual, Total	2	0.52 mg/L	Serious
31	10/26/2007	698124	Chlorine Residual, Total	2	1.02 mg/L	Serious
32	10/28/2007	698125	Dissolved Oxygen	>2.0 mg/L	1.2 mg/L	Chronic

#	Violation Date	CIWQS Violation No.	Constituent	Permit Limit	Reported Value	Violation Type
33	11/4/2007	710010	Dissolved Oxygen	>2.0 mg/L	0.5 mg/L	Chronic
34	11/4/2007	710011	Chlorine Residual, Total	²	10.74 mg/L	Serious
35	11/14/2007	710012	Chlorine Residual, Total	²	20.03 mg/L	Serious
36	11/17/2007	710013	Chlorine Residual, Total	²	20.03 mg/L	Serious
37	12/7/2007	764580	Chlorine Residual, Total	²	2.03 mg/L	Chronic
38	12/12/2007	764587	Copper	0.012 ug/L ³	0.017 ug/L	Serious
39	12/31/07	764577	Total Coliform	¹	8 MPN	Chronic
40	1/8/2008	764674	Copper	0.012 ug/L ³	0.013 ug/L	Chronic
41	1/8/2008	764672	Chlorodibromomethane	3.5 ug/L ³	4.1 ug/L	Chronic
42	1/8/2008	764673	Dichlorobromomethane	13 ug/L ³	16 ug/L	Serious
43	2/2/2008	764605	Chlorine Residual, Total	²	0.83 mg/L	Chronic
44	4/8/2008	762889	Chlorodibromomethane	3.5 ug/L ³	6.3 ug/L	Serious
45	4/8/2008	763438	Dichlorobromomethane	13 ug/L ³	19 ug/L	Serious

¹ - Effluent limitation is identified in Section IV.A.1.c. of Order R3-2006-0032.

² - Effluent limitation is identified in Section IV.A.1.a. of Order R3-2006-0032.

³ - Interim effluent limitations identified in Section IV.A.2 of Order R3-2006-0032

CIWQS - California Integrated Water Quality System

Mandatory Penalties

CMC committed 19 serious violations. The amount of the mandatory penalty for the serious violations is \$57,000 (19 x \$3,000).

CMC committed 26 chronic violations. California Water Code section 13385(i) requires the Central Coast Water Board to assess a mandatory minimum penalty of \$3,000 for each violation, not counting the first three, occurring in a consecutive six-month period. In this case, the first three effluent violations were not preceded by six consecutive months of compliance and are subject to mandatory penalties. The mandatory penalty for the above chronic violations is \$78,000 (26 x \$3,000).

The total amount of the mandatory penalty for violations occurring in the period July 1, 2006, through April 31, 2008, is \$135,000 (\$57,000 + \$78,000).

Complaint No. R3-2008-0054

The Assistant Executive Officer issued Mandatory Penalty Complaint No. R3-2008-0054 on July 16, 2008. The Complaint proposed a mandatory penalty of \$135,000. The Complaint requested the Discharger submit comments and/or propose a supplemental environmental project (SEP) by August 4, 2008.

CMC has not submitted payment of the penalty as of the date of this staff report. The CMC proposes to direct \$75,000 of the mandatory penalty to a SEP, but, as of August 15, 2008, has not yet specified the project or submitted a proposal. CMC has discussed

options for a SEP with the Morro Bay National Estuary Program and is currently developing the project details.

Waiver of Hearing. On August 4, 2008, the Discharger submitted a signed Waiver of the Right to a Hearing Form (Attachment 2). The Discharger agrees to waive its right to a hearing before the Central Coast Water Board with regard to the violations alleged in Complaint No. R3-2008-0054.

Order No. R3-2008-0054 The Proposed Order would assess CMC a penalty of \$135,000. The Order requires CMC to submit a check payable to State Water Resources Control Board by **October 5, 2008**. The Order is included as Attachment 3.

RECOMMENDATION

Adopt Mandatory Penalty Order No. R3-2008-0054

ATTACHMENTS

1. Mandatory Minimum Penalty Complaint No. R3-2008-0054
2. CMC Waiver of Hearing Form, dated August 4, 2008
3. Proposed Mandatory Penalty Order No. R3-2008-0054

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