

California Regional Water Quality Control Board  
North Coast Region

COMPLAINT NO. R1-2000-63 B

MANDATORY PENALTIES  
IN THE MATTER OF VIOLATIONS OF  
WASTE DISCHARGE REQUIREMENTS  
REGIONAL BOARD ORDER NOS. 98-84  
AND  
STATE BOARD ORDER NO. 2000-02  
NPDES NO. CA0022764  
CITY OF SANTA ROSA, LAGUNA SUBREGIONAL WASTEWATER TREATMENT,  
REUSE, AND DISPOSAL FACILITIES

Sonoma County

This complaint to assess Mandatory Penalties pursuant to Water Code Section 13385 is issued to the City of Santa Rosa (hereinafter referred to as “Discharger”), for the Subregional Wastewater Treatment, Reuse, and Disposal Facilities based on a finding of violations of Waste Discharge Requirements Order Nos. 98-84 and 2000-02 (NPDES No. CA0022764).

The Executive Officer of the Regional Water Board finds the following:

1. On August 26, 1998, the Regional Water Quality Control Board, North Coast Region (hereinafter referred to as “Regional Water Board”), adopted Waste Discharge Requirements Order 98-84 (hereinafter referred to as “Order 98-84”), NPDES No. CA0022764, for the City of Santa Rosa, Laguna Subregional Wastewater Treatment, Reuse, and Disposal Facilities to regulate discharges of waste from the Discharger’s wastewater collection, treatment and disposal system. On March 1, 2000, the State Water Resources Control Board revised this permit by adopting Waste Discharge Requirements Order No. R1-2000-02 (hereinafter referred to as “Order No. R1-2000-02”), NPDES No. CA0022764.
2. California Water Code Section 13385(h)(2) states that a serious violation occurs if the discharge from a facility regulated by an NPDES Permit exceeds the effluent limitations for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations, by 40 percent or more. California Water Code Section 13385(h)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code Section 13385(i)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six-month period.

4. California Water Code Section 13385(i)(2) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six month period:
- Exceeds a waste discharge requirement effluent limitation;
  - Fails to file a report pursuant to Section 13260;
  - Files an incomplete report pursuant to Section 13260; or
  - Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
5. Order No. R1 2000-02 and Order No. 98-84 include Effluent Limitation B.1, which establishes the following applicable effluent limitations:

Constituent	Units	30-Day Average	7-Day Average	Daily Maximum
Total Coliform Organisms	MPN/100ml		2.2*	23
BOD (Biological Oxygen Demand)	mg/l	10	15	20
	Lbs/day	1500	2250	3000

\*7-day Median

6. According to the Discharger's January, February, and March 2000 Monthly Self-Monitoring Reports (submitted by the Discharger on February 10, March 14, and April 10, 2000 respectively), the discharge violated effluent limitations as follows:

Serious Violations

None

Chronic Violations

January 30, 2000, daily total coliform organisms measured 30 MPN/100ml  
 February 05, 2000, daily total coliform organisms measured 30 MPN/100ml  
 February 15, 2000, daily BOD load measured 3294 lbs/day  
 February 19, 2000, weekly average BOD load measured 2672 lbs/day  
 February 29, 2000, monthly average BOD load measured 1690 lbs/day  
 March 24, 2000, 7-day median total coliform organisms measured 4 MPN/100ml  
 March 25, 2000, 7-day median total coliform organisms measured 4 MPN/100ml  
 March 26, 2000, 7-day median total coliform organisms measured 4 MPN/100ml  
 March 27, 2000, 7-day median total coliform organisms measured 4 MPN/100ml  
 March 28, 2000, 7-day median total coliform organisms measured 4 MPN/100ml

7. Biochemical Oxygen Demand is identified in Appendix A of Title 40 Code of Federal Regulations Section 123.45 as a Group I pollutant. The BOD violations, identified in Finding No. 6 above, did not exceed the applicable effluent limit by more than 40%; therefore, none of the violations listed in Finding No. 6 are subject to Sections 13385(h). Coliform bacteria is not a Group I or Group II pollutant.

8. In accordance with California Water Code Section 13385(i)(2) a mandatory penalty of three thousand dollars (\$3,000) must be assessed for each violation, beginning with the fourth violation, of a chronic nature occurring within a six month period. The total amount of the mandatory penalty for the chronic effluent violations listed in Finding No. 6 above is \$21,000. This includes \$3,000 for the BOD violations occurring on February 19<sup>th</sup> and 29<sup>th</sup> and the Coliform violations occurring on March 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>.
9. The total amount of the mandatory penalties for violations occurring in the period January 1, 2000, through June 30, 2000, is \$21,000.
10. Due to the nature of these violations and the lack of any long-term impact to beneficial uses from these violations, administrative civil liabilities in addition to the mandatory minimum penalties are not appropriate for these effluent violations.

**THE CITY OF SANTA ROSA IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Water Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$21,000.
2. The Regional Water Board shall hold a hearing on October 27, 2000 to consider imposing this penalty unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$21,000 in full.
3. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty to the Regional Water Board's office at the letterhead address, by September 14, 2000. If paid, the Waiver will not be effective until after the conclusion of a thirty day public comment period which commences on October 14, 2000.

---

Lee A. Michlin, Executive Officer

September 8, 2000

(complaint 63B)