CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2004-0003
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
THE ENCINA WASTEWATER AUTHORITY
ENCINA OCEAN OUTFALL
VIOLATION
OF
ORDER NO. 2000-36, NPDES NO. CA0107395
WASTE DISCHARGE REQUIREMENTS FOR
THE ENCINA WASTEWATER AUTHORITY
ENCINA WATER POLLUTION CONTROL FACILITY
DISCHARGE TO THE PACIFIC OCEAN
VIA THE
ENCINA OCEAN OUTFALL

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on February 11, 2004, having received a signed waiver of public hearing form with a $6,000 payment and having reviewed the allegations contained in Complaint No. R9-2003-0390, dated December 11, 2003, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $6,000 finds as follows:

1. The Encina Wastewater Authority owns and operates the Encina Water Pollution Control Facility and is authorized to discharge up to 38 million gallons per day of treated effluent to the Pacific Ocean via the Encina Ocean Outfall in accordance with waste discharge requirements contained in Order No. 2000-36 which was adopted by this Regional Board on April 12, 2000.

2. The Discharge Specifications' section of Order No. 2000-36 contains a "maximum at any time" effluent limitation for total suspended solids (TSS) of 50 mg/L. In January 2000 the Encina Wastewater Authority reported a "maximum at any time" TSS value of 72.4 mg/L, 44% greater than the "maximum at any time" effluent limitation. Also in June 2002, the Encina Wastewater Authority reported a "maximum at any time" TSS value of 93.0 mg/L, 86% greater than the "maximum at any time" effluent limitation.

3. California Water Code section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more, or a group II pollutant by 20 percent or more, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. Therefore, both TSS violations meet the criteria to be classified as serious violations.

4. California Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars ($3,000) for each serious violation.

7. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to Water Code section 13385(h) in the amount of $6,000.

8. The Regional Board incurred costs totaling $2,880 to prosecute this enforcement action; the costs include investigation, preparation of enforcement documents, communication with the Discharger, and preparation of materials for public review and hearing.

9. 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 15521, 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 Encina Wastewater Authority in the amount of six thousand dollars ($6,000).

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 February 11, 2004.

for JOHN H. ROBERTUS
Executive Officer

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