CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2005-0224

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY FOR MANDATORY MINIMUM PENALTIES AGAINST SOUTH ORANGE COUNTY WASTEWATER AUTHORITY DISCHARGE TO THE PACIFIC OCEAN THROUGH THE SAN JUAN CREEK OCEAN OUTFALL FOR VIOLATION OF ORDER NO. 2000-0013 NPDES NO.CA0107414

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 30, 2005, having received a signed waiver of public hearing form and a payment of $9,000 and having reviewed the allegations contained in Complaint No. R9-2005-0124, dated June 17, 2005, and on the recommendation for Administrative Assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $9,000, finds as follows:

1. The South Orange County Wastewater Authority (SOCWA) discharges treated wastewater to the Pacific Ocean through the San Juan Creek Ocean Outfall in accordance with waste discharge requirements contained in Order No. R9-2000-0013, NPDES Permit No. CA0107414.

2. Order No. 2000-0013 established the effluent limitation for the daily maximum mass emissions rate of Carbonaceous Biochemical Oxygen Demand (CBOD) at 11,259 lb/day. On January 31, 2005, SOCWA reported the daily maximum concentration of CBOD on January 9, 2005 at 19,325 lb/day. This value for CBOD demand exceeded the limitation by 72%.

3. Order No. 2000-0013 established the effluent limitation for the daily maximum mass emissions rate of Total Suspended Solids (TSS) at 12,510 lb/day. On January 31, 2005, SOCWA reported the daily maximum concentration of total suspended solids on January 9, 2005 at 28,712 lb/day. This value for TSS exceeded the limitation by 130%.

4. Order No. 2000-0013 established the effluent limitation for daily maximum concentration of Total Suspended Solids (TSS) at 50 mg/l. On January 31, 2005, SOCWA reported the value for the daily maximum concentration of TSS on January 9, 2005 at 83 mg/l. This value for TSS exceeded the limitation by 66%.

5. The California Water Code Section 13385(h) specifies that violation of effluent limitations for CBOD and TSS (Group I pollutants) by 40 percent or more are serious violations and are each subject to three thousand dollars ($3,000) Mandatory Minimum Penalty for a total penalty of nine thousand dollars ($9,000).

6. Consideration of the factors prescribed in California Water Code 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code section 13385(i) in the amount of nine thousand dollars ($9,000).

7. On June 30, 2005 the SOCWA tendered an offer to settle the liability proposed in the Complaint. The settlement includes: SOCWA's waiver of a hearing and payment of the $9,000 administrative civil liability as follows:

   a. $4,500 to the State Water Resources Control Board's Cleanup and Abatement Account, and
   b. $4,500 to the Southern California Coastal Research Program to fund a Supplemental Environmental Project (SEP) for a "Regional Marine Monitoring program for the southern California Bight".

8. The Regional Board incurred costs of $2,500 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating 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 California Water Code, civil liability is imposed on the South Orange Wastewater Authority in the amount of nine thousand dollars ($9,000).

1. SOCWA shall make a payment of $4,500 to the State Water Resources Control Board's Cleanup and Abatement Account, and

2. SOCWA shall make a payment of $4,500 to the Southern California Coastal Research Program to fund a SEP for a "Regional Marine Monitoring program for the southern California Bight".

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 10, 2005.

for

JOHN H. ROBERTUS
Executive Officer