

Central Coast Regional Water Quality Control Board

September 5, 2025

Chris Lehman
Utilities Deputy Director
City of San Luis Obispo
879 Morro Street
San Luis Obispo, CA 93401-2710
Email: clehman@slocity.org

**Via Electronic Mail and Certified Mail
7019 1640 0000 7901 5185**

Dear Chris Lehman:

ENFORCEMENT PROGRAM: CITY OF SAN LUIS OBISPO WATER RESOURCE RECOVERY FACILITY, 35 PRADO ROAD, SAN LUIS OBISPO COUNTY, WID 3 400107001 – EXPEDITED PAYMENT PROGRAM – EXECUTED ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0052 TO RESOLVE PERMIT VIOLATIONS

Attached is Administrative Civil Liability Order R3-2025-0052 (ACL Order) signed by the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) Executive Officer. The ACL Order resolves mandatory minimum penalties for the City of San Luis Obispo's (Discharger) violations of effluent limitations contained in Waste Discharge Requirements (WDR) Order R3-2014-0033 and Order R3-2024-0001, National Pollutant Discharge Elimination System Permit (NPDES) CA0049224, that occurred from April 30, 2024, March 31, 2025, for discharges to San Luis Obispo Creek as shown in the notice of violation (NOV) attached to the ACL Order. Central Coast Water Board staff publicly noticed the Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) from July 30, 2025, to September 1, 2025, and received no comments.

As provided in the ACL Order, the Discharger is subject to a total payment amount of \$30,000 (Penalty Amount). **No later than October 5, 2025**,¹ the Discharger must submit payment to the State Water Resources Control Board (State Water Board) State Water Pollution Cleanup and Abatement Account² by taking the following actions:

1. Pay \$30,000 by check payable to "State Water Pollution Cleanup and Abatement Account," noting "ACL Order R3-2025-0052" on the check, and mail to:

State Water Board Accounting Office

¹ Please note that this due date supersedes any other due date that may be shown on invoices.

² Cleanup and Abatement Account:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

Attention: ACL Payment
P.O. Box 1888
Sacramento, CA 95812-1888

2. Submit a copy of the above payment by email to Todd Stanley at todd.stanley@waterboards.ca.gov or mail to:

Central Coast Regional Water Quality Control Board
Enforcement Unit
Attention: Todd Stanley
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

The State Water Board Division of Administrative Services Fee Branch [(916) 341-5247 or FeeBranch@waterboards.ca.gov] typically mails invoices within five business days after orders are issued, but delays are possible. If the Discharger does not receive an invoice within 10 business days after the date of this transmittal letter, Central Coast Water Board staff advises the Discharger to proceed with making the payment to avoid being late. Similarly, the Discharger may simply elect to make its payment before receiving an invoice. **In either case, it is critical that the Discharger's check refers to the ACL Order R3-2025-0052 as instructed above.** If the Discharger elects to pay before receiving the invoice, Central Coast Water Board staff advises the Discharger to contact the Fee Branch to confirm that the payment is posted correctly.

The Discharger also has the option to make the payment to the State Water Pollution Cleanup and Abatement Account by online electronic fund transfer (without surcharge) or credit card (with small surcharge) but must first wait to receive the above invoice, because the invoice number is needed for the transaction. After receiving the invoice, the Discharger may then go to the Fee Branch's "Make a Payment" website³ for guidance on the available payment options.

Payment of the full Penalty Amount will conclude the Central Coast Water Board's enforcement action for the violations identified in the NOV attached to the ACL Order.

If you have any questions, please contact Sarah Crable at sarah.crable@waterboards.ca.gov or (805) 549-3706, or Tamara Anderson at tamara.anderson@waterboards.ca.gov or (805) 549-3334.

Sincerely,

Ryan E. Lodge
Executive Officer

³ Fee Branch payment website: https://www.waterboards.ca.gov/make_a_payment/

Attachment:

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

cc via email:

City of San Luis Obispo:

Aaron Floyd
Utilities Director
afloyd@slocity.org

Central Coast Water Board:

Ryan Lodge, ryan.lodge@waterboards.ca.gov
Angela Schroeter, angela.schroeter@waterboards.ca.gov
Tamara Anderson, tamara.anderson@waterboards.ca.gov
Sarah Crable, sarah.crable@waterboards.ca.gov
Todd Stanley, todd.stanley@waterboards.ca.gov

File Location: R:\RB3\Shared\Enforcement\ACLs\MMP ACLO from EPL Offers\2025-0052-SLO City MMP
ACLO\City of SLO MMP ACLO 25-0052 Pkg.docx

ECM Primary Indexing # 255380

**ACCEPTANCE OF CONDITIONAL SETTLEMENT OFFER
AND WAIVER OF RIGHT TO HEARING;**

ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0052

City of San Luis Obispo (Discharger)
Water Resource Recovery Facility
35 Prado Road, San Luis Obispo, CA
San Luis Obispo County
Waste Discharge Requirements Order R3-2014-0033 and R3-2024-0001
National Pollutant Discharge Elimination System (NPDES) Permit CA0049224
WDID: 3 400107001

By signing below and returning this Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), the Discharger hereby accepts the Conditional Settlement Offer from the Assistant Executive Officer to participate in the expedited payment program to settle the alleged violations and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violations. The alleged violations are identified in the attached notice of violation (NOV).

The Discharger agrees that the NOV shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the mandatory minimum penalties (Penalty Amount) authorized by California Water Code sections 13385 and 13385.1, as specified in the NOV, which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Discharger understands that by signing this Acceptance and Waiver, the Discharger waives its right to contest the allegations in the NOV and the amount of administrative civil liability for such violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

The Discharger understands that federal regulations set forth in title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Coast Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment.

If no public comments or new material facts are received within the public comment period that cause the Central Coast Water Board Assistant Executive Officer to reconsider the proposed Conditional Settlement Offer, the Executive Officer, through its delegated authority by the Central Coast Water Board, will consider execution of the Acceptance and Waiver as the executed Administrative Civil Liability Order R3-2025-0052 (ACL Order) that resolves the alleged violations identified in the NOV.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

If significant public comments are received in opposition to the Acceptance and Waiver and/or new material facts become available that are relevant to the Acceptance and Waiver, the Central Coast Water Board Assistant Executive Officer may withdraw the Conditional Settlement Offer. In that circumstance, the Central Coast Water Board Assistant Executive Officer may issue a revised Conditional Settlement Offer or may issue an administrative civil liability complaint and the matter would be set for a hearing before the Central Coast Water Board. For such a civil liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will not be used as evidence against the Discharger.

Penalty Amount: \$30,000

The Discharger must fill in the blank boxes in Table 1 below to indicate how the Discharger will direct its payment of the Penalty Amount. Payment is not due until after Central Coast Water Board staff completes the public comment period and the Executive Officer issues the ACL Order as described herein.

The Discharger's payment options are shown below.

1. Payment Option 1 – Direct the entire Penalty Amount as Supplemental Environmental Project (SEP) funds towards the Bay Foundation of Morro Bay's (Bay Foundation) Central Coast Drinking Water Well Testing Program (Drinking Water Well Testing Program). See the *Bay Foundation's Drinking Water Well Testing Program – Use of Supplemental Environmental Project Funds summary document*¹ for more details about the program.
2. Payment Option 2 – Direct a portion of the Penalty Amount as SEP funds towards the Drinking Water Well Testing Program, and direct the remaining portion of the Penalty Amount to the State Water Pollution Cleanup and Abatement Account.² If the Discharger elects to allocate only a portion of the Penalty Amount towards the Drinking Water Well Testing Program, then the Discharger must pay the remaining Penalty Amount to the State Water Pollution Cleanup and Abatement Account.
3. Payment Option 3 – Reject the option to direct any of the Penalty Amount towards the Drinking Water Well Testing Program and instead pay the entire Penalty Amount to the State Water Pollution Cleanup and Abatement Account.

¹ Bay Foundation's Drinking Water Well Testing Program – Use of Supplemental Environmental Project Funds summary document:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/enforcement/docs/2024/summary-drinking-water-well-testing-sep.pdf

² Cleanup and Abatement Account:


https://www.waterboards.ca.gov/water_issues/programs/grants_loans/cleanup_and_abatement.html

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

For Payment Option 1 or 2, the Discharger will not have any additional obligations related to the Drinking Water Well Testing Program upon proof of payment to the Bay Foundation. Electing to pay all or a portion of the Penalty Amount to the Drinking Water Well Testing Program will not change the total Penalty Amount that must be paid to resolve the mandatory minimum penalties for the alleged violations.

Table 1: Penalty Amount Payment Option Selection

(Please note that no payments are due at the time the Discharger returns this signed Acceptance and Waiver form to the Central Coast Water Board.)

Payment Options	Mark "X" Below to Select One Payment Option	Enter SEP and CAA Portions of Penalty Amount (\$) if Payment Option 2 Selected
Payment Option 1: Direct entire Penalty Amount as SEP funds to the Central Coast Drinking Water Well Testing Program		No entry required. Entire Penalty Amount will be directed as SEP funds to the Central Coast Drinking Water Well Testing Program.
Payment Option 2: Direct portion of Penalty Amount as SEP funds to the Central Coast Drinking Water Well Testing Program, and the remaining portion to the State Water Pollution Cleanup and Abatement Account (CAA)	<i>If "X" marked in this box, then enter portion amounts in box to the right.</i>	Portion of Penalty Amount to direct as SEP funds to the Central Coast Drinking Water Well Testing Program: \$ _____ Portion of Penalty Amount to direct to the CAA: \$ _____ <i>Sum of amounts entered in this box must equal the Penalty Amount.</i>
Payment Option 3: Direct entire Penalty Amount to the State Water Pollution Cleanup and Abatement Account (CAA)		No entry required. Entire Penalty Amount will be directed to the CAA.

Upon signature by the Discharger, the Discharger must return this Acceptance and Waiver in pdf format via email or mail to:

Todd Stanley
Enforcement Unit

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

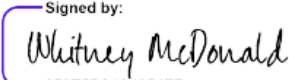
Email: todd.stanley@waterboards.ca.gov
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver form to the Central Coast Water Board. After the required public comment period and execution of the Acceptance and Waiver as the executed ACL Order by the Executive Officer, the Central Coast Water Board will transmit the executed ACL Order to the Discharger. The transmittal letter will include payment due dates and payment instructions based on the payment options selected in the Acceptance and Waiver. The full payment of the Penalty Amount shall be due within 30 calendar days of the executed ACL Order. Furthermore, the Discharger understands that full payment within 30 calendar days of the executed ACL Order is a material condition of this Acceptance and Waiver. Failure to pay the Penalty Amount within the required time period may subject the Discharger to further liability.

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

IT IS SO STIPULATED.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

Signed by:  By: <u>952E5D94C4B54EE</u>	7/21/2025 3:32 PM PDT
(Signed Name)	(Date)

Whitney McDonald

(Printed or Typed Name)

WMcDonal@slocity.org

(Email)

City Manager

(Title)

Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing;
Administrative Civil Liability Order R3-2025-0052

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60 on behalf of the California Regional Water Quality Control Board, Central Coast Region that ACL Order R3-2025-0052 is hereby adopted.

By: _____
Ryan E. Lodge
Executive Officer
Central Coast Water Board

Attachment: Notice of Violation

File Location: R:\RB3\Enforcement\EPLs\2025-0052 SLO City\City of SLO MMP EPL
25-0052_Acptnc-Waiver.docx

ECM Primary Indexing # 255380

Exhibit A – Notice of Violation
City of San Luis Obispo Water Resource Recovery Facility
Mandatory Minimum Penalty Violations Requiring Enforcement
Alleged Violation Dates: April 30, 2024 – March 31, 2025

The enforcement staff of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) reviewed information submitted by this facility to determine whether the discharger is subject to mandatory minimum penalties (MMPs) pursuant to subdivisions (h) and (i) of California Water Code section 13385 and section 13385.1. The following table or tables list this facility's alleged violations of Waste Discharge Requirements Order R3-2014-0033 and Order R3-2024-0001, National Pollutant Discharge Elimination System Permit CA0049224 from April 30, 2024, to March 31, 2025, for which the Central Coast Water Board has not yet assessed MMPs. Final calculation of MMP amounts and definitions of some of the terms used in this document are listed below the table.

For additional information about the alleged violations listed in the table, please refer to [the State Water Resources Control Board CIWQS Public Reports webpage](#) and select the "Mandatory Minimum Penalty (MMP) Report" link located under the "Violations Reports" category. Once in the Mandatory Minimum Penalty Reports search page, select Region 3 along with the beginning and ending dates shown in this exhibit, select Run Report, and then select your facility to access the list of violations. Expand the "Effluent MMP Violations" and/or "Late Report MMP Violations" sections of that page by selecting the "+" icon to the left of the section titles. To view details of a violation, select the "Violation ID" number. For chronic (non-serious) effluent violations, select the "Chronic" link in the "MMP Type" column of the "Effluent Limit Violations" section to see a list of the three or more violations preceding each chronic violation within 180 days and thus qualifying the chronic violation as an MMP.

Effluent MMP Violations Table

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for Serious or Chronic (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
1	1128176	4/30/24	Nitrate, Total (as N)^	Group 1	Monthly Average	10	15	mg/L	50	S	N/A	N/A	\$ 3,000
2	1128946	5/31/24	Nitrate, Total (as N)^	Group 1	Monthly Average	10	14	mg/L	40	S	N/A	N/A	\$ 3,000
3	1130040	6/30/24	Nitrate, Total (as N)^	Group 1	Monthly Average	10	14	mg/L	40	S	N/A	N/A	\$ 3,000
4	1131328	7/31/24	Nitrate, Total (as N)^	Group 1	Monthly Average	10	15	mg/L	50	S	N/A	N/A	\$ 3,000
5	1136645	10/31/24	Total Molybdenum*	Group 2	Monthly Average	0.01	0.031	mg/L	210	S	N/A	N/A	\$ 3,000
6	1137872	11/5/24	Dibromochloro methane	Group 2	Maximum Daily	0.81	0.9	ug/L	11	C	5/9/24	5	\$ 3,000
7	1137873	11/30/24	Dibromochloro methane	Group 2	Monthly Average	0.4	0.9	ug/L	125	S	N/A	N/A	\$ 3,000
8	1139140	12/31/24	Total Molybdenum*	Group 2	Monthly Average	0.01	0.03	mg/L	200	S	N/A	N/A	\$ 3,000

EPL R3-2025-0052 – Exhibit A
 ACL Order R3-2025-0052
 City of San Luis Obispo Water Resource Recovery Facility

#	Violation Number	Violation Date	Pollutant	Pollutant Type	Limit Period	Limit	Result	Units	% Over Limit	S or C for <u>Serious</u> or <u>Chronic</u> (Non-Serious) Violation	Date 180 Days Prior	Number of Violations within 180 days	Mandatory Minimum Penalty
9	1140647	1/31/25	Nitrate, Total (as N)^	Group 1	Monthly Average	10	17	mg/L	70	S	N/A	N/A	\$ 3,000
10	1142750	3/31/25	Dichlorobromo methane	Group 2	Monthly Average	0.56	0.9	ug/L	61	S	N/A	N/A	\$ 3,000

Total Penalty for Effluent Violations: \$30,000

* Central Coast Water Board staff confirmed that the Discharger violated Time Schedule Order (TSO) R3-2024-0021 monthly average interim effluent limit of 0.024 mg/L as originally reported by the Discharger for the two total molybdenum violations in the above table. Violation of the TSO removes the mmp exemption related to compliance with a TSO. Therefore, these violations are subject to an mmp as determined by comparing the sampling result with the final effluent limit of 0.01 mg/L contained in the National Pollutant Discharge Elimination System Permit. Central Coast Water Board staff therefore changed the limit field from the interim 0.024 mg/L to the final 0.01 mg/L for these two violations because the latter is the effective effluent limit for determining mmp applicability.

^ On December 5, 2023, and January 10, 2024, in relation to the upgrade of biological treatment systems, the Discharger submitted a request and documentation supporting the exemption of nitrate effluent limit violations from mandatory minimum penalties for the 90-day period from January 10, 2024, to April 9, 2024. The nitrate effluent limit violations in the above table occurred after the 90-day exemption period and therefore are not exempt from mandatory minimum penalty.

Calculation of Total Mandatory Minimum Penalty Amount for Effluent and Late Reporting Violations:
 (9 Serious Violations + 1 Non-Serious Violations) × \$3,000 = \$30,000

EPL R3-2025-0052 – Exhibit A
ACL Order R3-2025-0052
City of San Luis Obispo Water Resource Recovery Facility

For Group 1 pollutants, a violation is serious when the limit is exceeded by 40% or more, and non-serious when the limit is exceeded by less than 40%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

For Group 2 pollutants, a violation is serious when the limit is exceeded by 20% or more, and non-serious when the limit is exceeded by less than 20%. “Non-serious” is also referred to as “chronic” in CIWQS, indicating violations are occurring too frequently.

Each serious violation is subject to a mandatory minimum penalty of \$3,000.

A non-serious (also known as chronic) violation is subject to a mandatory minimum penalty of \$3,000 when it is preceded by three chronic or serious violations (or more) in a 180-day period representing six consecutive months (e.g., period commencing on the date of the violation being evaluated and ending 180 days before that date). The three most recent preceding chronic or serious violations within the 180-day period that are counted first toward qualifying a chronic violation for a mandatory minimum penalty are not penalized within that specific determination.

For example, if a violation named V4 is preceded by three violations V1, V2, and V3 within a 180-day period, V4 is determined to be subject to a mandatory minimum penalty of \$3,000. Within that specific determination for violation V4, V1 through V3 are counted but not penalized. However, each violation is subject to its own specific determination. So, V1, V2, and V3 are each subject to their own evaluation based on their specific occurrence dates and applicable 180-day periods and may warrant or have warranted in a previous enforcement action their own penalty as a chronic or serious violation.

Accordingly, all violations indicating “C” for “Chronic” in the above table also show four or more violations within 180 days because each of the chronic violations is preceded by three (or more) violations in that period. Please see the instructions on the first page of this exhibit if you would like to view in CIWQS all of the preceding violations applicable to the above chronic violations.

Term	Definition
Units	mg/L = milligrams per liter ug/L = micrograms per liter

EPL R3-2025-0052 – Exhibit A
ACL Order R3-2025-0052
City of San Luis Obispo Water Resource Recovery Facility

Term	Definition
N/A	Not Applicable
CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities, as well as other data types relevant to water quality protection.
Violation Number	Identification number assigned to a violation in CIWQS.
Violation Date	Date that a violation occurred, with the exception that for some violation types, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date used is the day the violation was first discovered by staff, the Discharger, or a third party.
Pollutant Types: Group 1 & 2	Groups of pollutants defined in the State Water Resources Control Board Water Quality Enforcement Policy. Also referred to as Category 1 or CAT1 and Category 2 or CAT2, respectively.

File Location: R:\RB3\Enforcement\EPLs\2025-0052 SLO City\City of SLO MMP EPL 25-0052 Exh A-NOV.docx

ECM Primary Indexing # 255380