

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 10, 2004
Prepared July 30, 2004

ITEM: 16

**SUBJECT: STIPULATED MANDATORY PENALTY ORDER NO. R3-2004-0132;
CITY OF LOMPOC WASTEWATER TREATMENT PLANT**

KEY INFORMATION

Location: 1800 W. Central Avenue, Lompoc
Discharge Type: Effluent from Municipal WWTP
Current Flow Rate: Approximately 4.0 million gallons per day (MGD), annual average daily flow
Design Capacity: 5.0 MGD, average dry weather flow.
Treatment: Activated sludge
Disposal: Discharge to the San Miguelito Creek, tributary to the Santa Ynez River.
Recycling: None
Existing Order: WDR Order No. 01-87 (NPDES Permit No. CA0048127)

SUMMARY

The City of Lompoc's (Discharger) Wastewater Treatment Plant violated effluent limitations of Waste Discharge Requirements Order No. 01-87 on thirteen (13) occasions from August 16, 2001 through November 1, 2003. Complaint for Mandatory Penalty No. R3-2004-0072 was issued to the Discharger on June 16, 2004. Proposed Order No. R3-2004-0132 assesses the City of Lompoc Mandatory Penalties of \$6,000.

The Discharger proposed to dedicate the penalty to a Supplemental Environmental Project (SEP) sponsored by the Central Coast Vineyard Team (CCVT). In this case, the CCVT will demonstrate improved vineyard management measures to growers and employees. When implemented, the

measures protect and enhance the quality of waters adjacent to vineyards.

DISCUSSION

BACKGROUND

The Discharger's wastewater treatment plant processes and stabilizes the City's municipal wastewater in aerated activated sludge reactors. The plant disinfects the treated wastewater with sodium hypochlorite and removes the chorine with sodium bisulfite to eliminate toxicity.

The Discharger disposes of plant effluent to San Miguelito Creek, which is tributary to the Santa Ynez River.

Effluent Violations

According to monitoring reports submitted by the Discharger, the Discharger committed the following violations of effluent limitations of Order No. 01-87 from August 16, 2001 through November 1, 2003:

Table 1					
Line No.	Violation Date	Constituent	Permitted Limit	Reported Value	Violation Type
1	8/16/01	pH	< 6.5 for more than 30 min	6.45 for 4 hrs	Chronic

Line No.	Violation Date	Constituent	Permitted Limit	Reported Value	Violation Type
2	9/4/01	Acute ceriodaphnia toxicity	P	F	Chronic
3	9/20/01	Settleable solids	0.3 mg/L	1.6 mg/L	Serious
4	9/21/01	Total coliform	23 MPN/100mL	30 MPN/100mL	Chronic
5	2/28/02	pH	< 6.5 for more than 30 min	< 6.5 for more than 30 min	Chronic
6	3/1/02	pH	< 6.5 for more than 30 min	< 6.5 for more than 30 min	*Chronic
7	9/12/02	Whole effluent toxicity	P	F	Chronic
8	3/10/03	Acute ceriodaphnia toxicity	P	F	Chronic
9	3/17/03	Acute ceriodaphnia toxicity	P	F	Chronic
10	3/31/03	Acute ceriodaphnia toxicity	P	F	Chronic
11	10/01/03	pH	< 6.5 for more than 30 min	< 6.5 for more than 30 min	Chronic
12	10/2/03	pH	< 6.5 for more than 30 min	< 6.5 for more than 30 min	Chronic
13	11/1/03	pH	< 6.5 for more than 30 min	< 6.5 for more than 30 min	Chronic

* Denotes chronic violations subject to mandatory penalties.

Mandatory Penalties

Line 3 in Table 1 shows one serious violation was reported on September 20, 2001. The mandatory minimum penalty for the serious violation is \$3,000.

Four chronic violations were reported for the period of September 20, 2001 to March 1, 2002. In accordance with California Water Code Section 13385(i) each chronic violation of four or more in a consecutive six-month period requires the Regional Board assess a mandatory penalty of three thousand dollars (\$3,000), not counting the first three, occurring in a consecutive six-month period. The mandatory minimum penalty for the chronic violations is \$3,000.

Toxicity violations no longer count in assessment of the MMP, and were removed from consideration.

The total mandatory penalty amount for violations occurring in the specified period (\$3,000 + \$3,000) is \$6,000.

Supplemental Environmental Projects

California Water Code section 13385(l) states:

“(1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the...regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).”

In a letter dated July 22, 2004, the Discharger requested that mandatory penalties be directed

towards the following Supplemental Environmental Project (SEP). The City proposes to contract with the Central Coast Vineyard Team (CCVT) to conduct an educational program targeting vineyard owners, operators, and employees in the Lompoc vicinity. Through the program, CCVT will provide hands-on demonstrations of practices addressing soil, irrigation, pest, and fertilization issues. Thus, the program can both raise the awareness and expertise of those responsible for making and implementing farming decisions, thereby helping to protect water quality. The CCVT is a nonprofit growers association whose mission is to promote sustainable vineyard practices, including those dedicated to protecting water quality. The Regional Board's web site lists the CCVT as a responsible organization for implementing SEPs.

The February 19, 2002 State Water Resources Control Board's *Water Quality Enforcement Policy* specifies criteria each Supplemental Environmental Project must satisfy. These criteria include water quality focus, geographic nexus, violation nexus, type of violation, beneficial use protection, region wide use/benefit, leveraged funding, and institutional stability and capacity. The proposed project satisfies all criteria.

Complaint No. R3-2004-0072

The Executive Officer issued Mandatory Penalty Complaint No. R3-2004-0072 (Attachment 1) to the City of Lompoc on June 16, 2004. The Complaint proposed imposing a mandatory penalty in the amount of fifteen thousand dollars (\$15,000). Copies of the Complaint were also sent to U.S Environmental Protection Agency. All parties were invited to submit written comments by July 23, 2004.

COMMENTS

The Discharger submitted comments in a July 22, 2004 letter (Attachment 2). The Discharger requested the Board reduce the penalty to \$6,000 and direct that amount to the proposed SEP. The Discharger correctly pointed out the total dissolved solids effluent limitation in the Complaint was different from the one included in WDRs Order No. 01-87, with which the effluent complied. Therefore, the limit in the Complaint should not be

counted. Removing this violation and the toxicity violations reduced the proposed penalty to \$6,000.

Proposed Stipulated Order No. R3-2004-0132 (Attachment 3) assesses the Discharger a Mandatory Penalty of \$6,000. The Proposed Order stipulates the Discharger shall either pay \$6,000 to State Board or submit written proof of payment, in the form of a Purchase Order encumbering the amount of the penalty to the SEP project, **by October 10, 2004.**

RECOMMENDATION

Adopt Order No. R3-2004-0132, as proposed.

ATTACHMENTS

1. Complaint No. R3-2004-0072
2. July 22, 2004 letter.
3. Order No. R3-2004-0132

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