



California Regional Water Quality Control Board

Central Coast Region



Linda Adams
Secretary for
Environmental
Protection

www.waterboards.ca.gov/centralcoast
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold
Schwarzenegger
Governor

July 12, 2006

CERTIFIED MAIL 7005 0390 0002 9553 5182

Brad Hagemann
City of Paso Robles Public Works Department
1000 Spring Street
Paso Robles, CA 93446

Dear Mr. Hagemann:

COMPLAINT FOR MANDATORY MINIMUM PENALTY, CITY OF PASO ROBLES WATER DIVISION, SAN LUIS OBISPO COUNTY

Attached is *Complaint for Mandatory Penalty No.R3-2006-0064*. The Complaint is based on a late-report violation of Waste Discharge Requirements Order No. 01-119, National Pollutant Discharge Elimination System Permit No. CAG993001.

Unless you waive your right to a public hearing and pay the amount proposed in the Complaint (\$3,000), we plan to present an order to the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) for the amount proposed in the Complaint at the Central Coast Water Board meeting on September 7-8, 2006, at the Monterey City Council Chambers, 598 Pacific Street, Monterey, California. No specific time has been set for consideration of this item.

California Water Code Section 13385(l) allows you to expend the entire penalty amount on a supplemental environmental project (SEP) in accordance with the State Water Resources Control Board's *Water Quality Enforcement Policy*. You may submit a proposal for one or more SEPs. If you do choose to submit a proposal, please submit it for our consideration no later than **August 7, 2006**. The *Water Quality Enforcement Policy* specifies the criteria a SEP must meet to qualify for funding at www.swrcb.ca.gov/plnspols/wqep.doc. You may find a number of SEPs listed, as well as other useful information, on our website at: www.swrcb.ca.gov/rwqcb3/sep/index.htm.

California Environmental Protection Agency

Recycled Paper

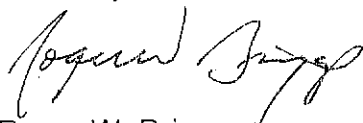


Item No. 16 Attachment No. 3
Sept. 7-8, 2006 Meeting
Paso Robles WWTP

July 12, 2006

Please review the Complaint carefully and submit your comments and/or your Waiver of Hearing form and copy of payment, or a SEP proposal by **August 7, 2006**. If you have questions, please contact **Matt Thompson** at (805) 549-3159 or Harvey Packard at (805) 542-4639.

Sincerely,



Roger W. Briggs
Executive Officer

Attachment: Complaint No. R3-2006-0064

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STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

COMPLAINT NO. R3-2006-0064

MANDATORY PENALTY
IN THE MATTER OF
CITY OF PASO ROBLES WATER DIVISION
SAN LUIS OBISPO COUNTY

This complaint to assess a mandatory penalty pursuant to Water Code section 13385(h) and (i) is issued to the City of Paso Robles Water Division (hereafter Discharger) based on a finding of violation of Waste Discharge Requirements Order No. 01-119 (NPDES Permit No. CAG993001).

The Regional Water Quality Control Board, Central Coast Region (Water Board) Executive Officer finds that:

1. On February 7, 2003, the Executive Officer enrolled the Discharger in Order No. 01-119 for water system repair and maintenance discharges.
2. Order No. 01-119 includes a monitoring and reporting program that requires, in Section D.2., the following:

"Annual reports shall be submitted by January 31 of each year for continuous and intermittent discharges..."

3. The Discharger submitted its required 2005 annual report on March 22, 2006, fifty days late.
4. The Discharger's late monitoring report meets the definition of a "serious" violation, as stated in California Water Code section 13385.1(a)(1):

"a failure to file a discharge monitoring report required pursuant of Section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent discharge requirements."

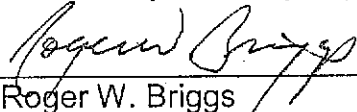
5. For each serious violation, California Water Code section 13385(h)(1) requires the Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000).

July 12, 2006

THE CITY OF PASO ROBLES WATER DIVISION IS HEREBY GIVEN NOTICE THAT:

1. The Water Board Executive Officer proposes that the Discharger be assessed a mandatory penalty in the amount of three thousand dollars (\$3,000).
2. The Water Board will hold a public hearing on this matter on September 7 or 8, 2006, unless the Discharger agrees to waive its right to a public hearing by filling out, signing, and submitting the enclosed "Waiver of Hearing." If the Discharger chooses not to waive its right to a public hearing, the Water Board may proceed with the scheduled public hearing and consider testimony received from interested persons during the public hearing and decide whether to accept the penalty amount proposed by the Executive Officer. The Water Board may also decide to continue the matter to a future hearing, direct the Executive Officer to reissue the Complaint to propose additional penalties under California Water Code section 13385(c) and (e), or refer the matter to the State Attorney General. The public hearing is scheduled at the regularly scheduled Water Board meeting on September 7 or 8, 2006, at the Monterey City Council Chambers, 598 Pacific Street, Monterey, California. The meeting is scheduled to begin at 8:30 a.m.; however, no specific time has been set for consideration of this item.

If you have questions regarding this matter, please direct them to Water Board staff, **Matt Thompson**, at (805) 549-3159, or Harvey Packard at (805) 542-4639.



Roger W. Briggs
Executive Officer

7-12-06

Date

PROCEDURAL INFORMATION
FOR
MANDATORY PENALTY COMPLAINT
HEARING AND PAYMENT

WAIVER OF RIGHT TO A PUBLIC HEARING

You may waive your right to a public hearing. If you wish to waive your right to a public hearing, a duly authorized person¹ must check, sign, and submit the following *Waiver of the Right to a Public Hearing* form and pay the penalty amount specified in the Complaint **no later than August 7, 2006 at 5:00 P.M.** Please follow the payment instructions below.

If you choose to waive your right to a public hearing, and if full payment and a signed *Waiver of the Right to a Public Hearing* form are received before the hearing, the hearing will not be held, and the violation will be settled. If full payment and a signed *Waiver of the Right to a Public Hearing* form are not received, the matter will be placed on the Water Board's agenda for a hearing as stated below.

If you do not waive your right to a public hearing, the Executive Officer will present an order to the Water Board for the amount proposed in this Complaint at its meeting on September 7 or 8, 2006, at the Monterey City Council Chambers, 598 Pacific Street, Monterey, California. The Water Board will proceed with the scheduled hearing, consider testimony received from interested persons during the hearing, and decide whether to accept the penalty amount proposed by the Executive Officer or to increase the liability pursuant to Water Code Section 13385(c) and (e). If the proposed Order is adopted, payment of the penalty to the State Water Resources Control Board will be due and payable no later than October 7, 2006, in accordance with the Order. If the proposed Order is rejected, the Water Board may direct the Executive Officer to issue a new complaint and schedule another public hearing. The Water Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General.

PAYMENT OF MANDATORY MINIMUM PENALTY

No later than August 7, 2006, please make your check payable to State Water Resources Control Board, and note "MMP Complaint No. R3-2006-0064" on the check. Please mail the check and signed waiver form to: **SWRCB ACCOUNTING, ATTN: ENFORCEMENT, P.O. BOX 100, SACRAMENTO, CA 95812-0100.**

At the same time, please also mail copies of the check and signed waiver form to: Regional Water Quality Control Board, Attn: Matt Thompson, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

¹ A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership or sole proprietorship, a principal executive officer or ranking elected official in a public agency, or a duly authorized representative.

WAIVER OF THE RIGHT TO A PUBLIC HEARING

- [] By checking this box, I agree to waive the City of Paso Robles' right to a public hearing before the Central Coast Water Board with regard to the violations alleged in Complaint No. R3-2006-0064. I agree to provide payment of the penalty for the amount proposed in Complaint No. R3-2006-0064. I understand that I am giving up the City of Paso Robles' right to be heard and its right to argue against the allegations made by the Executive Officer in Complaint No. R3-2006-0064, and against the imposition of, and the amount of, the mandatory minimum penalty proposed.

Signature

Printed Name

Title/Position

Date