



## Central Coast Regional Water Quality Control Board

December 10, 2013

**CERTIFIED MAIL  
NO. 7008 1140 0003 4708 8797**

Craig Murray, General Manager  
Carpinteria Sanitary District  
5300 Sixth Street  
Carpinteria, CA 93013

Dear Mr. Murray:

### **NOTICE OF VIOLATION FOR UNAUTHORIZED DISCHARGE EVENTS TO WATERS OF THE UNITED STATES; REQUIREMENT TO SUBMIT TECHNICAL REPORT PURSUANT TO SECTION 13267 OF THE CALIFORNIA WATER CODE**

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) issues this Notice of Violation to the Carpinteria Sanitation District (District) for unauthorized discharges of wastewater into waters of the United States during calendar years 2012 and 2013. Pursuant to the requirements of section 13267 of the California Water Code (CWC), the District is required to submit a technical report addressing subject violations by **January 28, 2014**.

### **NOTICE OF VIOLATION**

The District is regulated by the Central Coast Water Board Waste Discharge Requirements (WDRs) Order No. R3-2011-0003, National Pollutant Discharge Elimination System (NPDES) No. CA0047364. Prohibition III.B prohibits the discharge of any waste in any manner other than described in the WDRs. The District violated this provision on October 3, 2012, when it discharged 281,250 gallons of "non-chlorinated" wastewater when its disinfection system failed.

The WDRs also require compliance with effluent limitations contained within WDRs. The District violated the effluent limits on January 3, 2013, and January 7, 2013, when its dechlorination system failed. The instantaneous maximum limit for Total Residual Chlorine is 5,600 µg/L (Table 7 Effluent Limitations for the Protection of Marine Aquatic Life on pg. 7 of the WDRs), while the concentration on these dates were 10,400 µg/L and 7,800 µg/L, respectively.

### **WATER CODE SECTION 13267 ORDER**

The technical report required by this Order must address all the issue areas outlined below. The information contained in the technical report required by this Order is needed to enable the Central Coast Water Board and the State Water Board to effectively evaluate the nature, circumstances, extent, and gravity of the violations. Based on the nature and possible

consequences of the discharges, the burden of providing the required reports, including the costs, bears a reasonable relationship to the need for the reports, and the benefits to be obtained from the reports.

**The District is hereby required to submit the following information for each discharge event (October 3, 2012, January 3, 2013, and January 7, 2013):**

*Causes and Circumstances of the Discharge*

1. A detailed explanation of how and when the discharge event was discovered.
2. An estimate of the total volume discharged. Include the engineering methods, diagrams, models, calculations and assumptions used to estimate the total volume.
  - a. Tabular and graphical summaries of total influent and effluent flows at the District's WWTP one week before and one week after the violations.
  - b. For the two Total Residual Chlorine violations, include methods, assumptions and calculations for estimating chlorine usage (total pounds per day) along with all appropriate supporting records.
3. A detailed description of the causes and/or equipment failures that led to the discharge event. Include any analyses or forensic studies performed by the District or its consultants to determine the reasons for the failures.
  - a. Where applicable, include the original installation date and any subsequent rebuild date(s) for the installation of the failed pumps and/or electrical control systems. Also include the design and construction standards, specifications, and recommended operations and maintenance procedures from equipment manufacturers.

*District's Response to the Discharge*

4. A detailed chronological description of all actions taken by the District to terminate the discharge, including any bypasses or diversions to minimize the discharge. The narrative description must include an evaluation of the results of all actions.
  - a. Copies of any field response documentation during and/or after the discharge, including site photos, interview notes and plant log information related to the discharge. This should include, but not limited to, records of the District's notification information to other regulatory agencies, public and/or other organizations affected by the discharge.
  - b. Copies of service call records, SCADA alarm records, plant daily logs and maintenance records (including any invoices received by outside contractors conducting maintenance, cleaning, and/or repairs) related to the discharge.
5. A detailed description of the final corrective actions, including an update of the status of the final repair, documentation of associated costs involved in the project, sources of funding for the project, and plans and specifications for the repair. You may include the email information submitted on November 6, 2013, by Mr. Mark Bennett regarding the installation of alarm system for low chlorine residual and any supporting documents/diagrams related to the installation, testing, and preventive maintenance of this system.
6. Documentation discussing any planned or proposed capital improvement and/or Operation/Maintenance projects for the District's WWTP (e.g. pumps, motors, electrical

system equipment upgrades). Include any proposed budgets generated for upgrades related to the failed equipment.

- a. Copies of the District's annual operating/fiscal year budget report (discussion of Capital Improvement Projects) since year 2012.

#### Monitoring and Analysis of the Discharge

7. A description of all water quality sampling and analytical activities conducted by the District and/or other agencies for the discharge. This should include, but not limited to, all sampling and analytical activities during and after the discharge as required by Order No. R3-2011-0003.
8. A diagram of the affected receiving waters such as; creeks, rivers, lagoons and the Pacific Ocean showing the areas of these waters that were closed or restricted to the public as a result of the discharge, including the dates these areas were closed to public use and communication logs/information with state and local regulatory agencies.

#### Impacts of the Discharge

9. Any assessment of the potential short and long term impacts of the discharge events on public health, animal and plant communities (including sensitive and/or endangered species), and on the overall ecosystem downstream of the discharge. The assessment must include:
  - a. A summary of all threatened and endangered species located downstream of the unauthorized discharge event sites or receiving water bodies and the Pacific Ocean.
  - b. A description of all observations and sampling activities conducted by or on behalf of the District associated with potential short-term and long-term impacts to human health, vegetation and wildlife from the spill and an evaluation of these impacts. This assessment must be prepared by a technical professional qualified to evaluate the short and long term impacts of the discharge events on ecological receptors.
10. A detailed discussion of the District's efforts to date to obtain the necessary permits, develop mitigation plans, and restore any environmental impacts as a result of the discharge. This discussion shall include any correspondence or applications submitted to other resource/regulatory agencies.

#### Additional Information

11. Any other pertinent information that will assist the evaluation of the nature, circumstances, extent, and gravity of the violations.

### **PROVISIONS**

1. Use of Registered Professionals: The District shall provide documentation that its technical report was prepared under the direction of appropriately qualified professionals. In preparing the technical report required by this Order, any engineering or geologic evaluations and judgments must be performed by or under the direction of registered professionals. A statement of qualifications and registration numbers of the responsible lead professional shall be included in the report submitted by the District. The lead professional shall sign and affix his or her registration stamp to the report.

2. Use of Qualified Technical Professionals: The District shall ensure that plans and reports required under this Order are prepared under the direction of technical professionals who are appropriately qualified to evaluate short- and long-term effects to ecological receptors.
3. Signatory Requirements: The technical report shall be signed and certified by either a principal executive officer, ranking elected official, or the person with overall responsibility for environmental matters for the District. Additional reports submitted in support of the technical report must be signed by the principal author.
4. Certification Statement: Any person signing a document under this provision shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

5. Report Submittal: The report required under this Order shall be submitted electronically to:

James Fischer, Water Resource Control  
Engineer Office of Enforcement/Special  
Investigations Unit State Water Resources  
Control Board  
[Jim.Fischer@waterboards.ca.gov](mailto:Jim.Fischer@waterboards.ca.gov)

An electronic copy shall also be submitted to the Central Coast Water Board, specifically to:

Harvey Packard, Supervising Engineer  
Enforcement Coordinator  
Central Coast Water Board [harvey.packard@waterboards.ca.gov](mailto:harvey.packard@waterboards.ca.gov)

## NOTIFICATIONS

1. Enforcement Discretion: The Central Coast Water Board and the State Water Board reserve their rights to take any enforcement action authorized by law for violations of the terms and conditions of this Order. Furthermore, compliance with this Order is wholly distinct from any possible enforcement that may follow from the discharges themselves, pursuant to violations of the California Water Code or other orders issued by the State Water Resources Control Board or Central Coast Water Board.
2. Enforcement Notification: Water Code section 13268(a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administered imposed liability of up to \$1,000 per day for each day in which the violation occurs.

3. Cost Recovery: Pursuant to Water Code section 13304, and consistent with other statutory and regulatory requirements, including not but limited to Water Code section 13365, the Central Coast Water Board and/or State Water Board may seek reimbursement for all reasonable costs actually incurred to investigate illegal discharges of wastes and to oversee cleanup of such wastes, abatement of the effects thereof, or other necessary enforcement actions.

Failure to submit this technical report may subject the District to further enforcement action by the Central Coast Water Board and/or the State Water board, including the imposition of administrative civil liability, adoption of a cease and desist order or time schedule order, issuance of a cleanup and abatement order, or referral of the matter to the District Attorney or State Attorney General.

If you have any questions, please contact James Fischer, Water Resource Control Engineer, State Water Resources Control Board, Office of Enforcement, at (916) 341-5548 or email him at [jfischer@waterboards.ca.gov](mailto:jfischer@waterboards.ca.gov).

Sincerely,

Michael J. Thomas  
Assistant Executive Officer

cc via E-Mail

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