



City of Santa Barbara  
Public Works Department

**Interoffice Memorandum**

**DATE:** April 8, 2013  
**TO:** Board of Water Commissioners  
**VIA:** Rebecca Bjork, Water Resources Manager  
**FROM:** Chris Toth, Wastewater System Manager  
**SUBJECT:** El Estero Mandatory Minimum Penalties

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The City of Santa Barbara's El Estero Wastewater Treatment Plant (El Estero) is permitted to operate through a National Pollutant Discharge Elimination System (NPDES) Permit issued by the State of California's Regional Water Quality Control Board through authorization from the US EPA. The El Estero NPDES Permit requires rigorous sample collection, analysis, and reporting activities to maintain compliance with all Permit requirements. In the first half of Fiscal Year 2013, El Estero staff successfully collected more than 5,200 samples and performed more than 16,000 analyses on these samples. In so doing, El Estero has demonstrated complete compliance with all wastewater discharge limit requirements in the NPDES Permit during this time period. At any time, however, a few poorly collected samples or an upset to the treatment process change can result in NPDES Permit violations.

In 2006, the State Water Board established an Office of Enforcement to provide vigorous, statewide enforcement of state and federal codes and to improve performance tracking of NPDES permit holders. The enforcement program has evolved since that time and had issued more than 270 Expedited Payment letters and issued more than 145 Administrative Civil Liability Complaints to NPDES permit holders in California by mid-2011.

Vigorous State Water Board enforcement actions continue. On February, 26, 2013, the City of Santa Barbara received an Expedited Payment Program letter from the State Water Board related to alleged Permit violations which occurred during a time period from March 3, 2009 through May 4, 2012. Over the 3+ years covered by the letter from the RWQCB the City analyzed over 31,600 samples for compliance determinations; 32 of those analyses (0.1 %) exceeded permit limits and resulted in mandatory minimum penalties being issued.

The Mandatory Minimum Penalty amount for each of these violations is \$3,000, resulting in a total violation penalty of \$96,000. Payment of this penalty payment shall be deemed payment in full of any civil liability pursuant to State Water Code section provisions.

These 32 permit violations are related to a few El Estero events which occurred over the past four years:

- In March 2009 a malfunctioning process controller caused de-nitrification of activated sludge in the secondary clarifier tank and allowed floating sludge to escape the treatment process. This event resulted in 2 of the 32 permit violations.
- In June 2011, El Estero received a single event permit violation caused by poorly settling sludge in the secondary clarifiers. This event resulted in 1 of the 32 permit violations.
- In July 2011, a sampling collection tube was identified as contaminated; the contaminated tubing caused effluent samples to become contaminated and result in high coliform analysis values. This event resulted in 1 of the 32 permit violations.
- In August 2011, the El Estero's effluent sampling point was identified as a potential source of bacterial contamination. The effluent sampling equipment subsequently was relocated to an upstream sampling location free from contamination. This event resulted in 8 of the 32 violations.

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- In August 2011, the secondary treatment process became contaminated by filamentous bacteria; this event caused poor settling to occur in the secondary clarifier tanks and allowed floating sludge to escape the treatment process. This event resulted in 8 of the 32 violations.
- In September 2011, El Estero received a single event permit violation for having a detectable amount of a pesticide in its treated effluent. The source of this contamination could not be determined since even a small container of this pesticide dumped into a sink or toilet could result in this permit violation. This event resulted in 1 of the 32 permit violations.
- In early 2012, El Estero staff worked to increase the solids retention time of activated sludge in the secondary treatment process as a part of its CIP project work to upgrade this important treatment process (a \$20 million project). In March 2012 limitations with the existing secondary treatment process equipment caused de-nitrification of activated sludge in the secondary clarifier tanks allowing floating sludge to escape the treatment process. This testing was critical to determining whether planned equipment modification would be successful – although we received penalties for these violation, the information obtained has allowed us to determine appropriate infrastructure improvements to make changes to the activated sludge process. This event resulted in 11 of the 32 permit violations.

While a process to appeal these penalties is in place, the likelihood of a change in the penalty determination is low and could cost in excess of this penalty amount in City-related expenses and may expose the City to additional penalties beyond those already assessed. This penalty determination covering a four year period is not an indication of lack of diligence on the part of the City in the operation of the Wastewater Treatment Plant but is reflective of the high level of scrutiny for all functions of the treatment process.