

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

Certified Mail:
Return Receipt Requested

Mr. Robert Simmons
General Manager
Sausalito-Marin City Sanitary District
1 Ft. Baker Road/ P.O. Box 39
Sausalito, CA 94966-0039

Re: Findings of Violation and Order for Compliance under sections 308 and
309(a) of the Clean Water Act, EPA Docket No. CWA-309(a)-07-
003

Dear Mr. Simmons:

Based on information collected by the U.S. Environmental Protection Agency, Region 9 ("EPA") and the San Francisco Bay Regional Water Quality Control Board ("SFRWQCB"), we have determined that Sausalito-Marin City Sanitary District ("SMCSD") has violated its NPDES Permit No. CA0038067. The violations, reported to SFRWQCB and EPA in SMCSD's Discharge Monitoring Reports (DMRs), include numerous exceedances of the effluent limitations of SMCSD's NPDES permit. As inspectors from the SFRWQCB and EPA have discussed with you, these discharges are prohibited by the Clean Water Act. Also attached is EPA's inspection report from our inspection of SMCSD's WWTP on March 21, 2007. This report documents observations related to the Findings of Violation.

EPA issues the enclosed Findings of Violation and Order for Compliance pursuant to sections 308 and 309(a) of the Clean Water Act, and has coordinated with the SFRWQCB in its issuance. The Order specifies the nature of the violations and requires you to develop plans and take steps to return SMCSD to compliance with its NPDES Permit No. CA0038067.

Enclosed for your information is an EPA information sheet about compliance assistance available to small businesses, including small governmental jurisdictions, and the rights of small businesses to comment to the Small Business Regulatory Enforcement Fairness Act

("SBREFA") Ombudsman about EPA's enforcement activity. We provide the information sheet without making a determination whether your business is a small business under SBREFA.

I invite you to continue to work with EPA and the SFRWQCB to resolve this matter. If you have questions, please contact JoAnn Cola of our CWA Compliance Office at (415) 972-3578.

Sincerely,

 31 May 2007
Alexis Strauss, Director
Water Division

cc: Lila Tang, SFRWQCB

Encl.:

1. Findings of Violation and Order for Compliance
2. SBREFA Information Sheet

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:) Docket No. CWA 309(a)-07-009
)
SAUSALITO-MARIN CITY SANITARY) **FINDING OF VIOLATION AND ORDER**
DISTRICT) **FOR COMPLIANCE**
Sausalito-Marín City Wastewater)
Treatment Plant)
NPDES Permit No. CA0038067)
)
Proceeding under Sections 308(a) and)
309(a) of the Clean Water Act, as
amended.)

AUTHORITY

The following Findings are made and Order issued under authority vested in the Administrator of the United States Environmental Protection Agency (EPA) under Sections 308(a) and 309(a) of the Clean Water Act (CWA), as amended, 33 U.S.C §§1318(a) and 1391(a). The Administrator has delegated these authorities to the Regional Administrator of EPA Region IX, who has in turn delegated them to the Director of the Water Division ("Director") of EPA Region IX. Notice of this action has been given to the State of California Regional Water Quality Control Board San Francisco Region (SFRWQCB).

FINDING OF VIOLATION

The Director finds:

1. The Sausalito-Marin City Sanitary District (SMCSD) is a municipality or political subdivision of the State of California. Therefore, SMCSD is a "person" as defined by Section 502(5) of the CWA, 33 USC §1362(5), and subject to CWA requirements.
2. SMCSD is the owner and operator of Sausalito-Marin City Wastewater Treatment Plant (SMCSD's WWTP), located at #1 Fort Baker Road, Sausalito, California, a publicly-owned treatment works (POTW) as defined in CWA section 212 and 40 CFR§403.3(o).
3. SMCSD collects and treats the sanitary sewage from the unincorporated Marin City area, the City of Sausalito, Tamalpais Community Services District, and Golden Gate National Recreation Area.
4. SMCSD's WWTP discharges to San Francisco Bay of the Pacific Ocean, which is a "navigable water" as defined by Section 502(7) of the CWA, 33 USC §1362(7), and a "water of the United States" as defined by EPA regulations in 40 CFR §122.2
5. Section 301(a) of the CWA, 33 USC §1311(a), prohibits the discharge of pollutants by any person to waters of the United States except in compliance with certain sections of the CWA, including section 402, 33 USC §1342. Section 402 of the CWA authorizes EPA, or approved States, to issue National Pollutant Discharge Elimination System (NPDES) permits allowing for the discharge of pollutants into waters of the United States. Compliance with Section 301(a) of the CWA, 33 USC §1311(a), therefore, requires compliance with a valid NPDES permit, inter alia.
6. The State of California administers an EPA-approved NPDES program in California and issues NPDES permits through the Regional Water Quality Control Boards.
7. SFRWQCB adopted Waste Discharge Order (WDR) 00-060 on July 19, 2000. Waste Discharge Order 00-060 also serves as NPDES Permit No. CA0038067 for SMCSD. The permit became effective on July 19, 2000 and expired on July 19, 2005. The permit was amended by SFRWQCB on December 3, 2003 by Waste Discharge Order R2-2003-0109. The permit is administratively extended

and SMCSD has submitted an application for renewal.

8. On December 8, 2006, a compliance evaluation inspection of SMCSD's WWTP was conducted by TetraTech, an EPA contractor, on behalf of EPA and SFRWQCB. On March 21, 2007, EPA and SFRWQCB conducted a NPDES compliance evaluation inspection of SMCSD's WWTP. SMCSD representatives were present during both inspections. Various noncompliance issues were noted during both inspections and shared with SMCSD representatives. These noncompliance issues were further documented in TetraTech's report for the December 2006 inspection and for EPA's March 2007 report. Copies of these inspection reports are attached to this Order.
9. An Operational Audit Preliminary Design Report, dated March 2006, was prepared for SMCSD by CH2M Hill. The report discusses treatment units operating at the WWTP, potential causes of permit violations and operational inefficiencies, and makes recommendations for bringing the plant into compliance. This report was obtained by inspectors during the March 2007 inspection.
10. Paragraph A.1. of NPDES Permit No. CA0038067 prohibits the discharge of wastewater at a location or in a manner different from that described in the Permit. Paragraph A.2. of NPDES Permit No. CA0038067 prohibits "bypass or overflow of untreated wastewater to waters of the State, either at the treatment plant or from the discharger's collection system or pump stations tributary to the treatment plant". Between December 2004 and November 2006, SMCSD experienced 4 spills; 3 of which were reported as spills to waters of the State. These spills were reported to SFRWQCB, which requires reporting of all spills with a volume of at least 100 gallons. Each spill is a violation of Paragraphs A.1 and A.2 of NPDES Permit No. CA0038067. A listing of spills obtained from SFRWQCB's database is attached to this Order.
11. Paragraph A.2. of NPDES Permit No. CA0038067 prohibits bypass of partially treated wastewater "except that bypassing of individual treatment processes, for example during periods of high wet weather flow, is allowable provided that the combined discharge is fully treated and partially treated wastewater complies with the effluent and receiving water limitations contained in [the Permit]." Standard Provision A.13. of the Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, prohibits bypass unless the bypass is "...unavoidable to prevent loss of life, personal injury, or severe property damage." or "...there were no feasible alternatives to bypass..." and the "...discharger submitted advance notice of the need for a bypass to the Board." or reported unintentional bypass within 24 hours. Information gathered during the inspection indicates that SMCSD has bypassed treatment units on numerous occasions. The 2007 inspection report documents the capacity limitations of both the fixed film reactors and the sand

filters which are bypassed under certain flow conditions. According to SMCSD's general manager, Robert Simmons, the fixed film reactors are bypassed approximately seven times per year, when flow exceeds 6 MGD, e.g., during wet weather. The sand filters are bypassed when flow exceeds 1.5 MGD, or daily during peak diurnal flows. The CH2M Hill Operational Audit describes that the primary clarifier must be bypassed in order to maintain it. It further states that when the clarifier had been taken off-line 10 years earlier, flow was diverted to a secondary sedimentation tank resulting in poor plant performance. The 2006 inspection report states that the digester was taken off line in August 2006 for maintenance. According to the August 2006 Self-Monitoring Report, effluent limitations in the Permit were exceeded during that month. The Operational Audit Report also cites that the secondary clarifiers were taken out of service during August and September 2005. Effluent limitations in the Permit were exceeded during August 2005.

12. Self-Monitoring Program, Paragraph VIII.F. of NPDES Permit No. CA0038067 requires a written report to the Regional Board whenever the discharger "experiences or intends to experience a bypass of any treatment process" or "experiences violation or threatened violation of any daily maximum effluent limit" due to "maintenance work, power failures, or breakdown of waste treatment equipment". Paragraph 11 above cites numerous occasions when SMCSD has bypassed treatment units. Review of SMCSD's Self-Monitoring Reports dated 2003 through 2006 reveal that SMCSD has failed to report any such bypasses. SMCSD's failure to report bypasses of treatment units is a violation of the Permit.
13. Paragraph B. of NPDES Permit No. CA0038067, as amended, imposes limitations on treated wastewater effluent from SMCSD's WWTP. During the five-year period beginning April 1, 2002, EPA's review of SMCSD's DMRs finds numerous violations of the effluent limitations contained in NPDES Permit No. CA0038067. Included are violations of the effluent limitations for BOD-5, TSS, and settleable solids. A printout summarizing the violations submitted by SMCSD on its DMRs is attached to this Order.
14. Paragraph E.18, Standard Provisions of NPDES Permit No. CA0038067 requires SMCSD to "operate and maintain its wastewater collection, treatment, and disposal facilities so as to ensure that all facilities are adequately staffed, supervised, financed, operated, maintained, repaired, and upgraded as necessary, in order to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the discharger's service responsibilities." On March 21, 2007, inspectors observed that SMCSD failed to remove floatables and debris upstream from its primary clarifier and secondary treatment units, resulting in large accumulations of debris on the top screen of the fixed film reactors. Also on March 21, 2007, inspectors observed clogged and broken distributor arms in the fixed film reactors. On March 21, 2007, inspectors noted that the WWTP

lacked standby treatment units, which are commonly included in WWTP designs to facilitate routine maintenance and repair operations. The lack of standby equipment requires units to be taken off-line and generally increases the difficulty of maintenance, both of which will decrease treatment capability. These deficiencies constitute violations of Paragraph E.18, Standard Provisions of the Permit. Violations of this provision of the Permit are further evidenced by frequent effluent limit violations and collection system spills.

15. Self-Monitoring Program, Paragraph V and VI.B. of NPDES Permit No. CA0038067 require continuous measurement of influent and effluent flows. The March 21, 2007 inspection found that influent flow metering occurs at each of two pump stations. SMCSO adds the two flow figures to report the total influent flow to the treatment plant. According to the Operational Audit Report performed by CH2M Hill for SMCSO in March 2006, the total flow metering capacity is 10.4 MGD. Flow was measured at 10.4 MGD on December 27, 2004. CH2M Hill's report states that "...it is probable that the plant has received flow in excess of 10.4 MGD...". According to the report, CH2M Hill estimated the peak hourly wet weather flow into the WWTP at 12 MGD based on upstream limitations in the collection system. SMCSO's failure to accurately measure influent flows exceeding 10.4 MGD is a violation of Paragraphs V and VI.B of the Permit Self-Monitoring Program.
16. Based on information available to EPA, including documents submitted by SMCSO and the above-referenced inspections, EPA finds that SMCSO is in violation of NPDES Permit No. CA0038067 and Section 301(a) of the CWA, 33 USC §1311(a).

ORDER FOR COMPLIANCE

Considering the foregoing Findings, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to the authority of sections 308(a) and 309(a) of the CWA, it is hereby ORDERED that SMCSO comply with the following requirements:

- I. REPORT: By July 15, 2007, SMCSO shall submit a report to EPA and the Regional Water Quality Control Board providing the following information:
 - A. Sanitary Sewer Overflows (SSOs):
 1. Provide a list of each SSO from SMCSO's collection system during the period beginning June 1, 2002 and ending May 31, 2007. For purposes of this requirement, SSOs are defined as any release or overflow of untreated or partially treated wastewater from the SMCSO collection

system including any spills to private property due to blockages or surcharge in SMCSD's collection system. For each SSO, provide: the date, time and duration of the SSO; the location of the SSO; response time; the volume spilled and the volume recovered; the primary cause of the SSO; corrective actions taken; the destination of the SSO including, if applicable, the name of the water body affected; and whether warnings were posted.

2. Indicate the locations of any capacity bottlenecks in the SMCSD collection system including, but not limited to, the bottleneck described in the CH2M Hill Operational Audit Report as limiting influent flow to the WWTP to 12 MGD. Describe the consequence of these bottlenecks including whether the bottlenecks cause peak flows to surcharge or overflow from the collection system.
- B. Treatment Unit Bypasses: Provide a list of all treatment unit bypasses during the period beginning June 1, 2002 and ending May 31, 2007. For each bypass incident, the report shall list: the treatment unit(s) bypassed; the date, time, duration and volume of the bypass; the reason for the bypass (e.g., wet weather flow), and whether the bypass was made to allow for essential maintenance; all effluent monitoring data obtained during each bypass incident; and whether the bypass incident was reported to the Regional Board. Treatment unit bypasses include, but are not necessarily limited to, any bypass of the sand filters, the fixed film reactors, the primary clarifiers or the secondary clarifiers.
- C. Effluent Limit Violations: Provide a report explaining the reasons for each of the effluent limitation violations cited in Paragraph 13 above.
- D. Influent Flow Measurement:
1. Provide a report describing each flow meter utilized by SMCSD to measure influent flow to the WWTP. Indicate the range of flow that each meter is capable of accurately measuring and recording. Indicate the combined instantaneous maximum flow rate that SMCSD can measure with its influent flow meters.
 2. Provide a listing of each incident when the influent flow to the WWTP exceeded the range of the influent flow meters. For each incident, indicate: the date and times when influent flow exceeded the metering capacity; the daily maximum influent flow reported on the monthly discharge monitoring report; and an estimate (including the basis for the estimate) of the actual influent flow to the WWTP.

II. REMEDIAL ACTIONS AND COMPLIANCE DEADLINES:

A. Sanitary Sewer Overflows:

1. By September 1, 2007 submit a report to EPA and the Regional Board explaining the steps that SMCSD has taken or plans to take in order to eliminate all prohibited and unpermitted discharges (SSOs) from its collection system. For each remedial step taken or planned by SMCSD, provide the date the action was taken or is planned and the cost of each action.
2. By December 31, 2007, eliminate all prohibited and unpermitted discharges (SSOs) from the SMCSD collection system.

B. Treatment Unit Bypasses:

1. Beginning immediately, all treatment unit bypasses shall be reported to the Regional Board as required by the Permit.
2. By September 1, 2007, submit a report to EPA and the Regional Board explaining the steps that SMCSD has taken or plans to take in order to eliminate all prohibited bypasses. For each remedial step taken or planned by SMCSD, provide the date the action was taken or is planned and the cost of each action.
3. By December 31, 2007, cease all prohibited bypasses at the SMCSD WWTP. Treatment unit bypasses include, but are not necessarily limited to, any bypass of the sand filters, the fixed film reactors, the primary clarifiers or the secondary clarifiers.

C. Effluent Limits:

1. By September 1, 2007, submit a report to EPA and the Regional Board explaining the steps that SMCSD has taken and plans to take in order to achieve continuous compliance with all effluent limitations of NPDES Permit No. CA0038067. For each remedial step taken or planned by SMCSD, provide the date the action was taken or is planned and the cost of each action.
2. By December 31, 2007 SMCSD shall achieve and maintain continuous compliance with all effluent limitations.

D. Influent Flow Measurement:

1. By September 1, 2007, submit a report to EPA and the Regional Board explaining the steps that SMCSD has taken and plans to take in order to ensure the accuracy of influent flow measurements

at all foreseeable flow conditions, including high wet weather flow. For each remedial step taken or planned by SMCSD, provide the date the action was taken or is planned and the cost of each action

2. By October 15, 2007 SMCSD shall achieve and maintain continuous compliance with the influent flow measurement and reporting requirements of the Permit.

E. Operations and Maintenance:

1. By September 1, 2007, SMCSD shall submit a report to EPA and the Regional Board describing the actions taken and planned to ensure continuous compliance with the operation and maintenance requirements at Paragraph E.18, Standard Provisions of the Permit. The report shall include, at a minimum: actions to be taken to address the deficiencies described in paragraph 14 above; and a plan, including schedule, for reviewing and revising routine maintenance procedures for each WWTP treatment unit. The report shall discuss its plans for operating and maintaining the WWTP during maintenance or repair of any treatment units lacking standby equipment. The report shall identify all treatment units which must be bypassed allow for maintenance.
2. By December 31, 2007 SMCSD shall implement all necessary procedures and achieve compliance with the operation and maintenance requirements at Paragraph E.18, Standard Provisions of the Permit.

III. QUARTERLY PROGRESS REPORT: Fifteen days following the end of each calendar quarter (July 15; October 15; January 15; and April 15) in which activities are conducted pursuant to this Order, SMCSD shall submit to EPA and the Regional Board a written summary progress report detailing its implementation of the requirements of this Order during the preceding year. The reports shall evaluate the effectiveness of improvement programs implemented, and describe any additional plans SMCSD plans to take to further improve its system. Quarterly reports shall also contain the following information: costs to comply with this Order, a record of all treatment unit bypasses, a record of all wastewater spills, and explanations for any effluent limit violations.

IV. INFORMATION SUBMITTAL

- A. All submittals made pursuant to this Order shall be mailed to the following addresses:

Jo Ann Cola
U.S. Environmental Protection Agency
Clean Water Act Compliance Office (WTR-7)
Water Division
75 Hawthorne Street
San Francisco, CA 94105

Vincent Christian
San Francisco Bay Region
California Regional Water Quality Control Board
1515 Clay St., Suite 1400
Oakland, CA 94612

- B. All submittals required under this Order shall include the following certification signed by Respondent or Respondent's duly authorized representative:

I certify under penalty of law that this document and all attachments were prepared by direct supervision or in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that 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

- C. EPA has promulgated regulations to protect the confidentiality of the business information it receives at 40 C.F.R. Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 C.F.R. Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Respondent may not withhold from EPA any information on the grounds that it is confidential business information.


V. GENERAL PROVISIONS

- A. This Order is not a permit under the CWA, and does not waive or modify

Respondent's obligations and responsibility to ascertain and comply with all applicable federal, state or local laws, regulations, ordinances, permits or licenses.

- B. This requirement of information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1) and 5 C.F.R. § 1320.4(a)(2).
- C. This Order shall be binding upon Respondent, and Respondent's officers, directors, agents, servants, employees, heirs, successors and assigns.
- D. Issuance of this Order shall not be deemed an election by EPA to forego any remedies available to it under the law, including without limitation any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act. EPA reserves all rights and remedies, legal and equitable, available to enforce any violation cited in this Order and to enforce this Order.
- E. CWA Section 309(a), (b), (d) and (g), 33 U.S.C. § 1319(a), (b), (d) and (g), provides administrative and/or civil judicial relief for failure to comply with the CWA. In addition, CWA section 309(c), 33 U.S.C. § 1319(c), provides criminal sanctions for negligent or knowing violations of the CWA, and for knowingly making false statements.
- F. This Order shall become effective upon the date of receipt by Respondent.
- G. This Order remains in effect until terminated by the Director of the Water Division, EPA, Region 9.

Dated this 31st day of May, 2007



Alexis Strauss, Director
Water Division
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street (WTR-1)
San Francisco, CA 94105

SMCSD Sewer Spill Data Reported to SFRWQCB 12/2004 - 1/1/2006

AGENCY NAME	INCIDENT DATE	SPILL VOLUME	VOLUME RECOVERED	INCIDENT LOCATION	CITY	COUNTY	INCIDENT ZIP	FINAL SPILL DESTINATION	SPILL CAUSE
San Jose	1/1/05	500	0	1250 Berkeley at Colton Street	San Jose	Main	95126	STORM DRAIN	INFLOW & INfiltration
San Jose	12/31/05	500	0	11100 Daken Road	San Jose	Marion	94945	STORM DRAIN	INFLOW & INFILTRATION
San Jose	01/01/06	100	0	15500 Hill View Drive on Road of Fremont	San Jose	Main	95131	VAULT AND	BLOCKAGE
San Jose	1/1/06	500	0	13 Park Cross Drive	San Jose	Main	95128	STORM DRAIN	BLOCKAGE

SMCSD Effluent Violations April 1, 2002 through March 30, 2007

Item Number	Date of Sample	Parameters in Violation	Permit Limit	Reported Value
1	31-Oct-03	Total Suspended Solids Monthly Average mg/L	30	32
2	30-Nov-03	Total Suspended Solids Monthly Average mg/L	30	31
3	31-Oct-04	Biochemical Oxygen Demand Monthly Average mg/l	30	30.8
4	30-Nov-04	Biochemical Oxygen Demand Monthly Average mg/l	30	32.5
5	30-Nov-04	Total Suspended Solids Monthly Average mg/l	30	37
6	27-Dec-04	Enterococci Daily Maximum coln/100ml	124	2420
7	28-Dec-04	Enterococci Daily Maximum coln/100ml	124	1986
8	31-Dec-04	Total Suspended Solids Monthly Average mg/l	30	30.94
9	11-Jan-05	Chlorine Residual Instant Maximum mg/l	0	0.21
10	28-Feb-05	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	28.23
11	2-Mar-05	Carbonaceous Biochemical Oxygen Demand Weekly Average mg/l	40	42.9
12	31-May-05	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	26.27
13	24-Jun-05	Total Suspended Solids Daily Maximum mg/l	60	67
14	25-Jun-05	Carbonaceous Biochemical Oxygen Demand Weekly Average mg/l	40	43.2
15	25-Jun-05	Total Suspended Solids Daily Maximum mg/l	60	63.5
16	25-Jun-05	Total Suspended Solids Weekly Average mg/l	45	65.25
17	30-Jun-05	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	32.96
18	30-Jun-05	Oil and Grease Monthly Average mg/l	10	10.7
19	30-Jun-05	Total Suspended Solids Monthly Average mg/l	30	35.38
20	31-Jul-05	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	27.62
21	31-Aug-05	Total Suspended Solids Monthly Average mg/l	30	33

SMCSD Effluent Violations April 1, 2002 through March 30, 2007

Item Number	Date of Sample	Parameters in Violation	Permit Limit	Reported Value
22	7-Sep-05	Cyanide Daily Maximum ug/l	25	28
23	30-Nov-05	Total Suspended Solids Monthly Average mg/l	30	32.69
24	31-Dec-05	Total Suspended Solids Monthly Average mg/l	30	30.74
25	29-Mar-06	Enterococci Daily Maximum coln/100ml	124	2419.6
26	31-Mar-06	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	27.25
27	31-Mar-06	Total Suspended Solids Monthly Average mg/l	30	35.2
28	30-Apr-06	Total Suspended Solids Monthly Average mg/l	30	31.2
29	10-May-06	Settleable Matter Instant Maximum	0.2	0.8
30	13-May-06	Total Suspended Solids Weekly Average mg/l	45	49.92
31	14-May-06	Total Suspended Solids Daily Maximum mg/l	60	61.5
32	15-May-06	Settleable Matter Instant Maximum	0.2	0.6
33	15-May-06	Total Suspended Solids Daily Maximum mg/l	60	70.5
34	16-May-06	Settleable Matter Instant Maximum	0.2	0.3
35	20-May-06	Total Suspended Solids Weekly Average mg/l	45	48.14
36	25-May-06	Settleable Matter Instant Maximum	0.2	1
37	25-May-06	Total Suspended Solids Daily Maximum mg/l	60	67.5
38	26-May-06	Settleable Matter Instant Maximum	0.2	0.9
39	26-May-06	Total Suspended Solids Daily Maximum mg/l	60	66
40	27-May-06	Total Suspended Solids Weekly Average mg/l	45	49.17
41	28-May-06	Total Suspended Solids Daily Maximum mg/l	60	66
42	29-May-06	Total Suspended Solids Daily Maximum mg/l	60	69
43	31-May-06	Settleable Matter Monthly Average ml/l-hr	0.1	<0.2
44	31-May-06	Total Suspended Solids Monthly Average mg/l	30	47.54
45	3-Jun-06	Total Suspended Solids Weekly Average mg/l	45	46.71

SMCSD Effluent Violations April 1, 2002 through March 30, 2007

Item Number	Date of Sample	Parameters in Violation	Permit Limit	Reported Value
46	30-Jun-06	Total Suspended Solids Monthly Average mg/l	30	34.11
47	31-Jul-06	Total Suspended Solids Monthly Average mg/l	30	37.36
48	5-Aug-06	Total Suspended Solids Weekly Average mg/l	45	54.67
49	7-Aug-06	Settleable Matter Instant Maximum	0.2	0.9
50	8-Aug-06	Settleable Matter Instant Maximum	0.2	0.4
51	8-Aug-06	Total Suspended Solids Daily Maximum mg/l	60	63.5
52	9-Aug-06	Total Suspended Solids Daily Maximum mg/l	60	68.5
53	10-Aug-06	Total Suspended Solids Daily Maximum mg/l	60	89
54	11-Aug-06	Total Suspended Solids Daily Maximum mg/l	60	73
55	12-Aug-06	Total Suspended Solids Daily Maximum mg/l	60	74
56	12-Aug-06	Total Suspended Solids Weekly Average mg/l	45	71.33
57	31-Aug-06	Settleable Matter Monthly Average ml/l-hr	0.1	<0.19
58	31-Aug-06	Total Suspended Solids Monthly Average mg/l	30	47.63
59	31-Aug-06	Total Suspended Solids Monthly Removal %	85	82
60	30-Sep-06	Total Suspended Solids Monthly Average mg/l	30	33.26
61	31-Oct-06	Total Suspended Solids Monthly Average mg/l	30	32.56
62	30-Nov-06	Total Suspended Solids Monthly Average mg/l	30	32.3
63	12-Dec-06	Enterococci Daily Maximum coln/100ml	124	501.8
64	16-Dec-06	Carbonaceous Biochemical Oxygen Demand Weekly Average mg/l	40	49.15
65	23-Dec-06	Carbonaceous Biochemical Oxygen Demand Weekly Average mg/l	40	53.85
66	30-Dec-06	Carbonaceous Biochemical Oxygen Demand Weekly Average mg/l	40	53.96
67	31-Dec-06	Carbonaceous Biochemical Oxygen Demand Monthly Average mg/l	25	51.88

SMCSD Effluent Violations April 1, 2002 through March 30, 2007

Item Number	Date of Sample	Parameters in Violation	Permit Limit	Reported Value
68	31-Dec-06	Carbonaceous Biochemical Oxygen Demand removal %	Min 85	73
69	31-Dec-06	Total Suspended Solids Monthly Removal %	Min 85	81
70	6-Jan-07	Total Suspended Solids Weekly Average mg/l	45	45.9
71	6-Jan-07	Carbonaceous biochemical oxygen demand weekly average mg/L	40	45.87
72	31-Jan-07	Total Suspended Solids Monthly Average mg/l	30	34.97
73	31-Jan-07	Carbonaceous biochemical oxygen demand monthly average mg/L	25	28.01
74	28-Feb-07	Total Suspended Solids Monthly Average mg/L	30	31.65



Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA states, and other compliance assistance providers.
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppcindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9340

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4797

Stratospheric Ozone Refrigerants Information
(800) 296-1997

Clean Air Technology Center
(919) 541-0801

Wetlands Helpline
(800) 832-7823

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at: <http://www.assistancecenters.net>

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRX-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-667-2775 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4411 or www.pwbrc.org)

Chemical Industry

(1-800-572-6048 or www.chemicaliance.org)

Transportation Industry

(1-888-459-9116 or www.transource.org)

Paints and Coatings

(1-800-241-6072 or www.paintcenter.org)

Construction Industry

(www.cci.org)

Automotive Recycling Industry

(www.autx.com)

US / Mexico Border Environmental Issues

(www.border-envi.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at 1-800-368-3333 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviweb.org>

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily identifying and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: the Small Business Policy ([\[www.epa.gov/compliance/incentives/smallbusiness\]\(http://www.epa.gov/compliance/incentives/smallbusiness\)\) and Audit Policy \(<http://www.epa.gov/compliance/incentives/auditing>\).](http://</p></div><div data-bbox=)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201, in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.