

1103-06

Meeting Date	11-8-06
Meeting Type	Regular
Call to Order Time	8:03
Director Roll Call P=Present A= Absent	
Lambeth	P
Kiech	P
Russell	P
Fields	P
Mirabal-Boubion	P
Staff	
O'Neill	P P
Schultz	P
Facility Manager	Daniels
District Manager	—
Other	Alan
Approval of Minutes for:	10-11-06 with with 1 change as noted
Motion	Russell
Second	Fields
Vote	5/1 Abstention
Approval of Minutes for:	
Motion	_____
Second	_____
Vote	_____
Approval of Warrants for:	10-2006 with removal of CAL pers ck of #2565
Motion	Russell
Second	Mirabal-Boubion
Vote	5/0

Discussions/Action Items	Approval Resolution 06-312a Recognition of David Kirsch
Motion	Russell
Second	W. P. Adair - Bourbon
Vote	5/0
Discussions/Action Items	
Motion	
Second	
Vote	
Discussions/Action Items	
Motion	
Second	
Vote	
Discussions/Action Items	
Motion	
Second	
Vote	
Next Meeting Agenda Items	
1	
2	
3	
4	
Notes	<p>* Report to Board on Revenue Recovery old meters to new meters - Duc in Tennant</p> <p>* E-mail Rob's letter to RWQCB - send to Tall Auditor over streets + lights</p> <p>* Copy of Ord 102 with changes</p> <p>* Place scanned Ordinances on website</p> <p>AS our Authority</p>
Adjournment Time	7:12 pm

Request from the Mayor

TOM

**Board of Directors – Regular Meeting
San Simeon Community Services District
AGENDA
Wednesday November 8, 2006 6:00 PM
Cavalier Banquet Room**

Note: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

1. 6:00 PM – REGULAR SESSION
 - 1.1 Roll Call
 - 1.2 Pledge of Allegiance

2. PUBLIC COMMENT:

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

 - 2.1 Sheriff's Report
 - 2.2 Public Comment

3. STAFF REPORTS
 - 3.1 General Manager Report
 - 3.1.1 Current Project Report
 - 3.1.1.1 Water Master Plan
 - 3.1.1.2 Water System Evaluation
 - 3.1.1.3 Wastewater Treatment Facility Upgrade
 - 3.1.1.4 Regional Water Quality Control Board Notice of Violation
 - 3.1.2 Superintendent Report
 - 3.1.2.1 Water & Wastewater Operation Report
 - 3.1.3 Other Reports
 - 3.1.3.1 District Financial Summary
 - 3.2 District Counsel Report

4. ITEMS OF BUSINESS
 - 4.1 Approval of Minutes – October 11, 2006
 - 4.2 Approval of Warrants –October 1, 2006 – October. 31, 2006

5. DISCUSSION/ACTION ITEM
 - 5.1 Resolution 06-312 Recognizing David Kiech for his service to the San Simeon Community Services District
 - 5.2 Board Committee Reports.
 - 5.3 Board Reports.

6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA
ITEMS

7. ADJOURNMENT

General Manager's Report

November 8, 2006

3.1.1.1 Water Master Plan – The water master plan will be delayed until December. There was difficulty in obtaining a surveyor with the proper insurance credentials. This issue has been resolved and is moving forward.

3.1.1.2 Water System Evaluation – Staff is reviewing the Boyle Engineering draft evaluation. Presentation to the Board will be at the December meeting.

3.1.1.3 – Staff is in the process of reviewing and commenting on the preliminary design from Boyle Engineering. Staff has been discussing the design with Boyle and will continue to refine some details. Once this is complete staff will present to the Board for review and comment.

3.1.1.4 Regional Water Quality Control Board Notice of Violation – The General Manager has received a notice of violation (NOV) from the regional water quality control board (RWQCB) for ~~60~~ exceedances from July 1, 2005 through August 31, 2006. The NOV also includes fines for the exceedances of \$60,000. Tom O'Neill, Rob Schultz and ECO Resources District Operations Manager Charlie Grace met with Matt Thompson, Matthew Keeling and Roger Briggs from the RWQCB to discuss the notice and options that may be available to the District to suspend further fines until the wastewater treatment plant can complete the mandated upgrade.

San Simeon Community Services District

Superintendent's Report

October 2006

Superintendent's Report

(For October 2006)

November 3, 2006

During the month of October the following maintenance items were completed:

- On Equalization Pumps #1 & #2 the suction inlet pipes that were severely rusted were replaced and electrical components that were severely corroded were replaced.
- One of the 60 HP Blowers was lubricated and serviced as called for by the manufacturer.
- Two of the Collector Drive Gear Units were serviced as called for by the manufacturer.

A new sump was constructed in the last chamber of the Chlorine Contact Chamber. A timer will also be installed at a later date. This will enable us to engage the pump on a timed frequency to remove the trace of solids that accumulate in the bottom of the chamber as well as to drain and clean the entire unit expeditiously.

The Wastewater Treatment Plant performed well overall during the month. We were able to make it through the scheduled power outage by PG&E without any significant difficulties other than the fact that the control system for the reservoir level/well pumps malfunctioned and the water reservoir spilled over. We were able to keep this to a minimum by manually shutting off the well pumps. The demand for water was low during the power outage and we had sufficient water stored in the reservoir to keep the system operating without any problems.

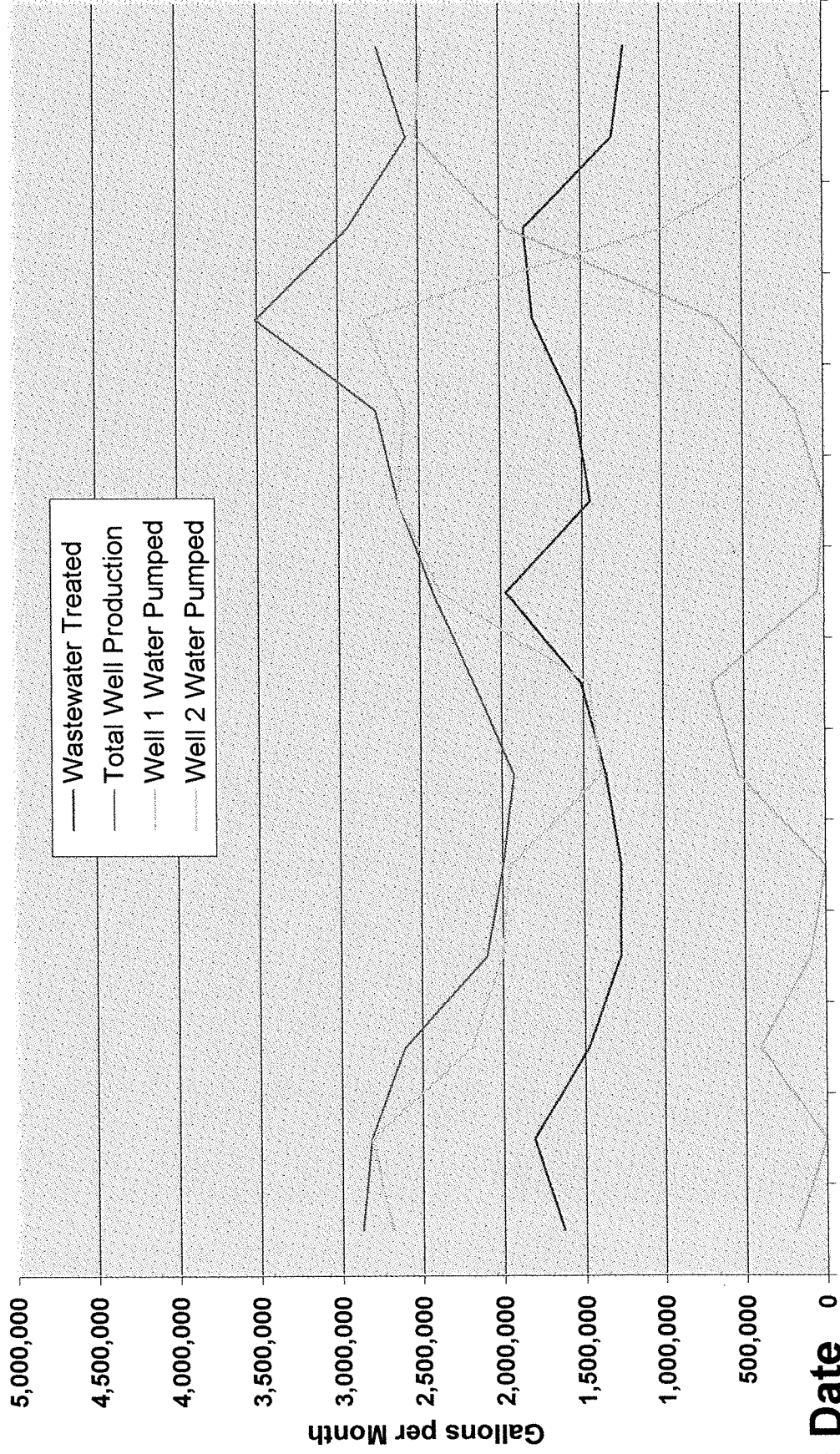
During the month flows into the wastewater treatment plant continued to be lower than during the summer months. The plant performed extremely well during the month and, although we haven't received all the results from the lab yet, of those I've reviewed, it appears that we were able to meet all waste discharge permit conditions for the month of October.

Report prepared and submitted by: Dan Daniels, Facility Manager, ECO Resources, Inc.

San Simeon Community Services District - Superintendent's Report - Monthly Data - October 2006

	INPUT Wastewater Inf Meter Tot	CALCULATED Wastewater Daily Flow	INPUT Well 1 Readings	CALCULATED Well 1 Total Pumped	INPUT Well 2 Readings	CALCULATED Well 2 Total Pumped	CALCULATED Total Daily Water Produced	INPUT Well 1 level	INPUT Well 2 level	INPUT State Sewer Daily Flow
30-Sep	16088841		11852		34846					
10/1/06	16127644	38,803	12044	143,891	34854	5,760	149,450	12.1	12.2	10,264
10/2/06	16189278	61,634	12150	78,690	34854	0	78,690	11.7	11.8	8,652
10/3/06	16213986	24,708	12256	79,662	34854	0	79,662	11.5	11.6	7,782
10/4/06	16236846	22,860	12363	79,812	34854	0	79,812	11.5	11.6	8,410
10/5/06	16288265	51,419	12468	78,690	34854	0	78,690	11.5	11.6	7,577
10/6/06	16324174	35,909	12568	74,501	34854	0	74,501	11.5	11.6	9,310
10/7/06	16362233	38,059	12675	80,260	34854	0	80,260	11.5	12.8	9,234
10/8/06	16405067	42,834	12875	149,750	34854	0	149,750	On	On	10,392
10/9/06	16474099	69,032	13076	150,647	34854	0	150,647	11.9	12.0	8,106
10/10/06	16512894	38,795	13199	91,480	34854	0	91,480	11.8	11.9	9,023
10/11/06	16544554	31,660	13312	84,674	34854	0	84,674	11.8	12.0	8,454
10/12/06	16581091	36,537	13395	62,159	34854	0	62,159	On	On	7,366
10/13/06	16617447	36356	13479	62,608	34982	95,445	158,052	11.6	11.6	2,969
10/14/06	16672585	55,138	13529	37,924	35031	37,176	75,099	On	On	7,584
10/15/06	16717298	44,713	13598	60,939	35134	76,820	127,758	11.7	12.0	8,167
10/16/06	16765374	48,076	13741	107,637	35134	0	107,637	On	On	7,981
10/17/06	16812182	46,808	13802	45,478	35134	0	45,478	11.7	11.8	7,775
10/18/06	22200	34,796	13907	78,166	35134	0	78,166	11.7	11.8	8,327
10/19/06	53483	31,283	14008	75,997	35134	0	75,997	11.6	11.7	4,722
10/20/06	99562	46,079	14109	75,473	35134	0	75,473	11.6	11.7	7,305
10/21/06	145630	46,068	14282	129,075	35134	0	129,075	On	On	8,024
10/22/06	192787	47,157	14417	101,085	35134	0	101,085	On	On	9,498
10/23/06	237388	44,601	14535	88,189	35183	36,428	124,617	11.9	12.0	8,365
10/24/06	262817	25,429	14622	65,300	35210	20,121	85,422	12.0	12.1	7,408
10/25/06	299978	37,161	14622	0	35210	0	0	11.6	11.7	7,626
10/26/06	341930	41,952	14724	76,146	35210	0	76,146	11.7	11.8	6,128
10/27/06	366199	24,269	14837	84,599	35215	3,740	88,339	11.7	11.8	9,744
10/28/06	408339	42,140	14940	77,268	35215	0	77,268	11.7	11.8	7,626
10/29/06	453790	45,451	15050	82,355	35215	0	82,355	11.7	11.8	8,265
10/30/06	493561	39,771	15168	87,666	35215	0	87,666	11.7	11.8	7,303
10/31/06	514087	20,526	15276	80,784	35215	0	80,784	11.7	11.8	5,885
		Total Wastewater		Total Well 1		Total Well 2	Total Water Pumped			Total State WW
		1,229,498		2,479,919		275,488	2,755,408			239,387
			Average	82,603	Average	9,183	50,515	11.7	11.9	7,980
			Min	0	0	0.00	0	11.5	11.6	2,969
			Max	150,647	Max	95,444.80	158,052	12.1	12.8	10,392

Superintendent Report - September 2006

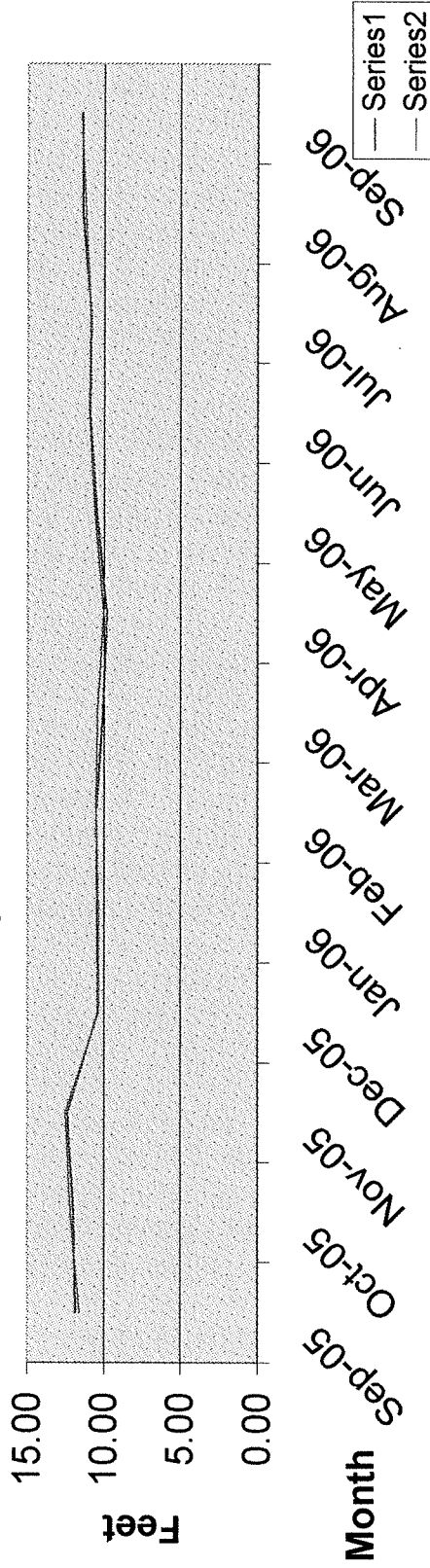


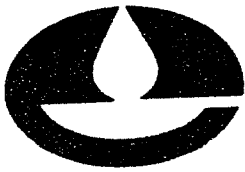
Date Sep-05 Oct-05 Nov-05 Dec-05 Jan-06 Feb-06 Mar-06 Apr-06 May-06 Jun-06 Jul-06 Aug-06 Sep-06 Oct-06

Superintendent Report For October 2006

	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06
Well 1 Avg Depth	11.86	12.00	12.39	10.40	10.44	10.50	10.07	9.83	10.48	10.92	10.84	11.40	11.40	11.7
Well 2 Avg Depth	11.62	12.20	12.51	10.34	10.34	10.53	10.44	10.02	10.61	10.97	10.87	11.20	11.50	11.9

Depth to Groundwater





ECO Resources, Inc.

Date: October 30, 2006

California Regional Water Quality Control Board
Central Coast Region
Attn: Monitoring and Reporting Review Section
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Dear Mr. Briggs:

Facility Name: San Simeon Community Services District
Wastewater Treatment Plant

Address: 9245 Balboa Avenue
San Simeon, CA 93452

Contact person: Dan Daniels
Job Title: Facility Manager
Phone number: Cell: 805 431-3206 WWTP: 805 927-0365

WDR\NPDES Order Number: R3-2002-0046
WDID Number: 3 400110001

Type of Report (circle one): [Monthly] Quarterly Semi-Annual Annual

Month(s) (circle applicable months*): JAN FEB MAR APR MAY JUN
JUL AUG [SEP] OCT NOV DEC

*Annual Reports (circle the first month of the reporting period)

Year: 2006

Violation(s) (Place an X by the appropriate choice): No Yes

If Yes is marked (complete a-g):

a) Parameter(s) in Violation:

**b) Section(s) of WDR/
Violated:**

c) Reported Value(s)

**d) WDR/NPDES
Limit/Condition:**

e) Dates of Violation(s):
(reference page of report/data sheet):

f) Explanation of Cause(s):

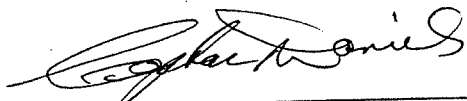
g) Corrective Action(s):

Due to an oversight, the D.O. / pH / Turbidity tests that are required weekly were not sampled and tested during the second week of September. In addition to being more diligent with regard to insuring that all tests that are required are performed on the frequency required, we will be developing a check sheet for testing requirements. This will enable us to be sure that the less frequent test requirements are met in a timely manner.

In accordance with the Standard Provisions and Reporting Requirements, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision following a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my knowledge of the person(s) who manage the system or those directly responsible for data gathering, 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.

If you have any questions or require additional information, please contact Dan Daniels at the number provided above.

Sincerely,



Name: Cephass R. (Dan) Daniels
Title: Facilities Manager

Other Reports
District Financials Summary

3.1.3.1 District Financials

September Billings	\$44,515.18
October Billings	\$41,638.26
Past Due	\$3,331.63
LAIF Account (new statement not available yet)	\$918,746.91
SEP Account	\$83,480.10
	\$20,081.78
Accounts Payable	\$42,496.99
Checking Account Balance	\$35,639.56

**Board of Directors-Regular Meeting
San Simeon Community Services District
MINUTES
Wednesday October 11, 2006 6PM**

1. Regular Session

1.1 Roll Call: All directors in attendance except Director Mirabal- Boubion

1.2 Pledge of Allegiance

2. Public Comment: Yvonne Hartnett made comment regarding a concern that her water bill was higher than previous and attributed it to the newly installed touch-read meters. District Counsel Schultz stated that she must go through the District's policies to have the charges on her bill removed. Facility Manager Dan Daniels said he would place a second meter at her residence to verify the current meters' accuracy.

2.1 Sheriff's Report: On October 19, 2006 at the Cavalier, Commander Hall will conduct a public meeting regarding the issues concerning the San Simeon community. Some of those issues are narcotics, traffic problems, and break-ins. The past month has had a drop in service calls probably because school is back in session and it is becoming darker earlier. Also in the past month a meeting was held with local businesses setting up a neighborhood watch program.

3. Staff Reports

3.1 General Manager's Report

3.1.1.1 Immediate Plant Upgrades: General Manager Tom O'Neill stated that all work on the reactors and clarifiers is finished and the Immediate Upgrades are complete.

3.1.1.2 Water Meter Replacement Program: The replacement registers have been ordered and received for the 7 meters that the touch read part of the register were not reading. Installation will begin as time permits. The fact that the touch read part of the register was not working does not effect the accuracy of the meter readings.

3.1.1.3 Hydrant flow Testing: Six or seven fire hydrants were tested and the results will be included in the Water Master Plan.

3.1.2 Superintendent's Report: Facility Manager Dan Daniels explained that he received a call from Matthew Keeling of the Regional Water Quality Control Board regarding the July Report. Mr. Keeling mentioned several constituents were not received

as part of the annual testing. Mr. Daniels read through the requirements later and found that they state that a chronic toxicity test can be done in exception to testing for metals. Mr. Daniels requested permission from the RWQCB to allow staff to reduce the frequency of the surf samples since there have been no large exceedances with effluent sampling. Also, though no major differences were found in the two separate sampling locations of the Chlorine Contact Chamber, Mr. Keeling gave the approval to begin sampling in the new location suggested by ECO staff. There were no exceedances to report for August since the immediate upgrades have been completed. To date there have been no exceedances reported in September.

3.1.3 District Financial Summary:

September Billings	\$44,515.18
August Billings	\$64,595.06
Past Due	\$3,805.45
LAIF Account	\$918,746.91
SEP Account	\$83,193.54
	\$20,012.85
Accounts Payable	\$35,052.51
Checking Account Balance	\$93,152.94

3.2 District Counsel Report: District Counsel Schultz said there were two issues of concern for the past month. The first was Ordinance 102 and the changes from the Water Committee recommendations. The second concern was the contract issues with the surveyor regarding insurance and indemnification provisions. The contract without the provisions is much less expensive and Mr. Schultz recommends this option.

4. Items of Business

4.1 Approval of Minutes- August 9, 2006

Motion made by Director Russell
Second by Director Fields
Approved 4-0 with changes

4.2 Approval of Warrants-September 1 -30, 2006

Motion made by Director Russell
Second by Director Kiech
Approved 4-0 without exception

5. Discussion/Action Items

5.1 Discussion/Approval for General Manager to begin talks with PG and E regarding the replacement of Street Lights: The lighting for San Simeon is showing

increasing wear due to age. PG&E has contacted SSCSD regarding replacement of the lights. Any lights designated by PG&E as needing replacement will be at their cost. Tom O'Neill, in coordination with the San Simeon Chamber of Commerce, will begin discussion with PG&E regarding replacement of all the street lights and placing electrical wiring underground.

Motion made by Director Russell
Second made by Director Fields
Approved 4-0 without exception

5.2 Discussion/Action regarding leash laws and signage for cleaning up after pets:

Staff was directed to send a letter to the State of California to install a leash law sign and puppy mitts at the entrance of the stiles on Vista del Mar. Mr. Schultz will research the District's liability position.

5.3 Discussion/Action regarding the installation of turn stiles on State Property

along Vista Del Mar: State Parks has begun the process of installing turn stiles on Vista del Mar. The Board directed staff to continue discussions with the State of California to understand the impact of the project on the community in regards to safety and transportation.

5.4 Discussion/Approval of Ordinance 102 Continuing a Moratorium of the Issuance of Water Connections within the Boundaries of the District:

A conflict of interest was announced by Director Russell stating that he would not be able to vote because the Ordinance would, if approved, increase the value of his property. Director Russell left the meeting at 7:15 pm. Motion was to approve Ordinance 102 with stated changes.

Motion made by Director Kiech
Second by Director Fields
Approved 3-0 without exception

Extensively

5.5 Board Committee Reports: None

5.6 Board Reports: None

6. Board/Staff General Discussions and Proposed Agenda Items: None

7. Adjournment 7:30

San Simeon Community Services District
WARRANT REPORT
October 1-31, 2006

Type	Date	Open Balance	Warrant #	Check #
Fields, Alan	Bill Nov. Board Services	11/3/2006 \$ 100.00	0811-001	5545
Kiech, David	Bill Nov. Board Services	11/3/2006 \$ 100.00	0811-002	5547
Lambeth, Terry	Bill Nov. Board Services	11/3/2006 \$ 100.00	0811-003	5552
Mirabal-Boubion, Loraine	Bill Nov. Board Services	11/3/2006 \$ 100.00	0811-004	5550
Russell, John	Bill Nov. Board Services	11/3/2006 \$ 100.00	0811-005	5549
Schultz, Rob	Bill District Counsel Services	11/3/2006 \$ 1,575.00	0811-006	5551
ECO Resources	Bill October Services	11/3/2006 \$ 35,052.51	0811-007	5548
PERS Health	Bill Health Insurance	11/3/2006 \$ 291.30	0811-008	5546
GBP&B	Bill Services	11/3/2006 \$ 1,200.00	0811-009	5543
California Special Districts	Bill Ethics Training <i>Lambeth</i>	11/3/2006 \$ 49.00	0811-010	5541
CalPERS	Bill Unfunded Liability for Misc. Plan	11/3/2006 \$ 2,568.00	0811-011	5542
PG and E	Bill Street Lighting	11/3/2006 \$ 1,261.18	0811-012	5544

Total:

\$ 42,496.99

- 2568.00

Discussion/Action Items

November 8, 2006

5.1 - Resolution 06-312 Recognizing David Kiech for his service to the San Simeon Community Services District – Chairperson Lambeth will present to the Board of Directors Resolution 06-312 recognizing Director Kiech for his dedication and commitment as Director and Past Chairperson of the San Simeon Community Services District.

RESOLUTION NO. 06-312

**RESOLUTION OF APPRECIATION FOR
DIRECTOR DAVID KIECH**

WHEREAS, certain individuals give unselfishly of their time and talents to the residents and citizens of the San Simeon Community Services District; and

WHEREAS, David Kiech has faithfully served the San Simeon Community Services District as a Director since December 1998, and was selected by his fellow Directors to serve as Chairperson and on the Water Committee and on the Facilities Committee; and

WHEREAS, David has played a key role in the undertaking of a comprehensive Wastewater treatment plant facilities plan and amending Ordinance 66; and

WHEREAS, David has zealously, tirelessly and selflessly worked for not only the best interests of those for whom he was elected to serve but also on behalf of all people; and

WHEREAS, he has also shared his personal time and professional talents through his service as a Director of the San Simeon Community Services District.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors, Staff and citizens of San Simeon Community Services District extend an expression of appreciation to David in the form of this Resolution of Appreciation and further extend their wishes for his continued success as he once again becomes a "private citizen" following the expiration of his current term.

BE IT FURTHER RESOLVED, that this resolution be presented to Director David Kiech at the November 8, 2006 Board of Directors Meeting and that this resolution be entered in the official minutes of the San Simeon Community Services District.

PASSED, APPROVED, AND ADOPTED, by the Board of Directors of the San Simeon Community Services District on the 14th day of December 2006.

Terry Lambeth
Chairperson



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

October 13, 2006

CERTIFIED MAIL 7006 0100 0000 1777 5764

Tom O'Neill, General Manager
San Simeon CSD
111 Pico Avenue
San Simeon, CA 93452

Dear Mr. O'Neill:

COMPLAINT FOR MANDATORY MINIMUM PENALTY, SAN SIMEON COMMUNITY SERVICES DISTRICT, SAN LUIS OBISPO COUNTY

Attached is *Complaint for Mandatory Minimum Penalty No. R3-2006-0102* (Complaint). The Complaint is based on violations of Waste Discharge Requirements Order No. R3-2002-0046 (National Pollutant Discharge Elimination System Permit No. CA0047961) from July 1, 2005, through August 31, 2006. The attached Complaint specifies the occurrence dates and nature of the violations.

Unless you waive your right to a public hearing and pay the amount proposed in the Complaint (\$60,000), we will 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 December 1, 2006, at the above address. The meeting is scheduled to begin at 8:30 a.m.; however, no specific time has been set for consideration of this item.

California Water Code Section 13385(l) allows up to \$37,500 of the penalty amount to be expended 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 consideration no later than **November 13, 2006**. The *Water Quality Enforcement Policy* specifies the criteria a SEP must meet to qualify for funding at www.waterboards.ca.gov/plnspols/docs/wqep.doc. You may find a number of SEPs listed, as well as other useful information, on our website at: www.waterboards.ca.gov/centralcoast/sep/index.htm.


California Environmental Protection Agency



Recycled Paper

Please review the Complaint carefully and submit your comments and/or your **Waiver of Hearing** form and copy of payment, or an SEP proposal by **November 13, 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: Mandatory Minimum Penalty Complaint No. R3-2006-0102

cc:

All San Simeon CSD Interested Parties

Terry Lambeth, President
San Simeon CSD
P.O. Box 26
San Simeon, CA 93452

Rob Schultz
595 Harbor Street
Morro Bay, CA 93442

Steve Richardson
ECO Resources
5820 Stoneridge Mall Road, Suite 204
Pleasanton, CA 94588

S:\NPDES\NPDES Facilities\San Luis Obispo Co\San Simeon\MMP No. R3-2006-0102\Complaint No. 06-0102\San Simeon MMP Complaint Transmittal (06-0102).doc



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Lane, Suite 101
San Luis Obispo, California 93401**

COMPLAINT NO. R3-2006-0102

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
SAN SIMEON COMMUNITY SERVICES DISTRICT
WASTEWATER TREATMENT PLANT
SAN LUIS OBISPO COUNTY**

This complaint to assess Mandatory Minimum Penalties pursuant to Water Code section 13385(h) and (i) is issued to San Simeon Community Services District (Discharger), based on a finding of violations of Waste Discharge Requirements Order No. R3-2002-0046, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047961.

The Executive Officer finds the following:

1. On May 31, 2002, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), adopted *Waste Discharge Requirements Order No. R3-2002-0046, NPDES Permit No. CA0047961, for San Simeon Community Services District and Local Sewering Entity of Hearst San Simeon State Historical Monument, San Luis Obispo County* (Order No. R3-2002-0046).
2. California Water Code section 13385(h)(1) requires the Central Coast Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation.
3. California Water Code section 13385(h)(2) provides a serious violation occurs if the discharge exceeds the effluent limitations for a Group II pollutant by 20 percent or a Group I pollutant by 40 percent or more. Group I and II pollutants are specified in Appendix A to section 123.45 of Title 40 Code of Federal Regulations.
4. California Water Code Section 13385.1(c) states that for the purposes of section 13385.1(a)(1), section 13385(f)(2), (h), (i) and (j), "effluent limitation" means a numeric or numerically expressed narrative restriction on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants authorized to be discharged from a location that is specified in waste discharge requirements. An effluent limitation may be final or interim, and may be expressed as a prohibition. An effluent limitation, for those purposes, does not include a receiving water limitation, a compliance schedule, or a best management practice."

5. California Water Code section 13385(i) requires the Central Coast Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a consecutive six-month period:
- Violates a waste discharge requirement effluent limitation;
 - Fails to file a report pursuant to Section 13260;
 - Files an incomplete report pursuant to Section 13260; or
 - Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
6. California Water Code section 13385(l) states that "(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)."
7. Order No. R3-2002-0046 includes in part the following:

Effluent Limitation No. 2:

"Effluent shall not exceed the following limits:

Constituent	Units	30-Day Average	7-Day Average	Daily Maximum
Settleable Solids	mL/L	1.0	1.5	3.0

Effluent Limitation No. 4:

"Effluent shall not exceed the following limits:

Constituent	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
Total Chlorine Residual	mg/L	0.23	0.93	6.96
Total Coliform Bacteria	MPN/100 mL	--	230	2400

8. Settleable Solids is a Group I Pollutant. Total Chlorine Residual is a Group II Pollutant. Discharges of effluent containing constituent values that are greater than serious thresholds (limit + 40% for Group I pollutants, limit + 20% for Group II pollutants) are serious violations. Total Coliform Bacteria is neither a Group I nor

Group II Pollutant; therefore serious violations do not apply to Total Coliform Bacteria.

9. A chronic violation occurs when effluent contains a constituent concentration that is less than the serious threshold but greater than the permit limit.
10. According to monitoring reports submitted by the Discharger, the Discharger committed the following violations of effluent limitations of Order No. R3-2002-0046 in the period July 1, 2005, through August 31, 2006. The three violations listed prior to July 1, 2005, are included for the purpose of enumerating chronic violations subject to mandatory penalties:

No.	Violation Date	Constituent	Permitted Limit	Reported Value	Violation Type	CWIQS Viol. No.
--	5/13/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	6.80 mg/L	Serious	--
--	6/7/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic	--
--	6/28/05	Settleable Solids	1.5 mL/L 7-Day Average	1.75 mL/L	Chronic	--
1	7/9/05	Total Coliform	230 MPN/100 mL Daily Maximum	900 MPN/100 mL	Chronic	359623
2	7/29/05	Total Coliform	230 MPN/100 mL Daily Maximum	500 MPN/100 mL	Chronic	359624
3	8/24/05	Total Coliform	230 MPN/100 mL Daily Maximum	>1600 MPN/100 mL	Chronic	359626
4	8/30/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	2.2 mg/L	Serious	359625
5	9/2/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	2.2 mg/L	Serious	359628
6	9/6/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	1.5 mg/L	Serious	359629
7	9/7/05	Total Coliform	230 MPN/100 mL Daily Maximum	>1600 MPN/100 mL	Chronic	368525
8	9/30/05	Total Chlorine Residual	0.93 mg/L Daily Maximum	25 mg/L	Serious	359630
9	11/3/05	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic	368522
10	12/22/05	Total Coliform	230 MPN/100 mL Daily Maximum	240 MPN/100 mL	Chronic	363528
11	1/4/06	Total Coliform	230 MPN/100 mL Daily Maximum	240 MPN/100 mL	Chronic	364468
12	1/19/06	Total Coliform	230 MPN/100 mL Daily Maximum	500 MPN/100 mL	Chronic	364604
13	2/9/06	Total Coliform	230 MPN/100 mL Daily Maximum	500 MPN/100 mL	Chronic	365744
14	4/11/06	Total Coliform	230 MPN/100 mL Daily Maximum	900 MPN/100 mL	Chronic	408845
15	5/3/06	Total Coliform	230 MPN/100 mL Daily Maximum	300 MPN/100 mL	Chronic	421175
16	5/8/06	Total Coliform	230 MPN/100 mL Daily Maximum	1600 MPN/100 mL	Chronic	421176
17	5/19/06	Total Coliform	230 MPN/100 mL Daily Maximum	350 MPN/100 mL	Chronic	421177
18	5/24/06	Total Chlorine Residual	0.93 mg/L Daily Maximum	7.10 mg/L	Serious	421173
19	6/20/06	Total Chlorine Residual	0.93 mg/L Daily Maximum	52.0 mg/L	Serious	427286
20	8/7/06	Total Coliform	230 MPN/100 mL Daily Maximum	240 MPN/100 mL	Chronic	--

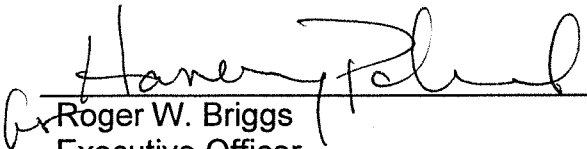
11. According to Finding No. 10, the Discharger committed six serious violations in the period July 1, 2005, through August 31, 2006. The amount of the mandatory penalty for the serious violations (6 x \$3,000) is eighteen thousand dollars (\$18,000).

12. According to Finding No. 10, the Discharger committed fourteen chronic violations in the period July 1, 2005, through August 31, 2006. California Water Code section 13385(i) requires the Central Coast Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three, occurring in a consecutive six-month period. In this case, at least three effluent violations occurred in the six months prior to the first violation listed in Finding No. 10, therefore none of these chronic violations are exempt from mandatory penalty. The mandatory penalty for the above chronic violations (14 x \$3,000) is forty-two thousand dollars (\$42,000).
13. The total amount of the mandatory penalty for violations occurring in the period July 1, 2005, through August 31, 2006 (\$18,000 + \$42,000) is sixty thousand dollars (\$60,000).

THE SAN SIMEON COMMUNITY SERVICES DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Central Coast Water Board proposes that the Discharger be assessed a Mandatory Minimum Penalty in the amount of sixty thousand dollars (\$60,000).
2. The Central Coast Water Board will hold a public hearing on this matter on December 1, 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 Central Coast 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 amount of Mandatory Minimum Penalty proposed by the Executive Officer. The Central Coast 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 Central Coast Water Board meeting on December 1, 2006, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, 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 Central Coast Water Board staff, **Matt Thompson**, at (805) 549-3159, or Harvey Packard at (805) 542-4639.



Roger W. Briggs
Executive Officer

13 Oct 2006

Date

PROCEDURAL INFORMATION
FOR
MANDATORY MINIMUM PENALTY COMPLAINT
PUBLIC HEARING AND PAYMENT

WAIVER OF 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 mandatory minimum penalty amount specified in the Complaint **no later than November 13, 2006, 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 Central Coast 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 Central Coast Water Board for the amount proposed in this Complaint at the Central Coast Water Board meeting on December 1, 2006, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The Central Coast Water Board will proceed with the scheduled hearing, consider testimony received from interested persons during the hearing, and decide whether to accept the amount of the mandatory minimum penalty proposed by the Executive Officer, or direct the Executive Officer to reissue the complaint alleging increased liability pursuant to Water Code Section 13385(c) and (e). If the proposed Order is adopted, payment of the mandatory minimum penalty to the State Water Resources Control Board will be due and payable no later than January 1, 2007, in accordance with the Order. If the proposed Order is rejected, the Central Coast Water Board may direct the Executive Officer to issue a new complaint and schedule another public hearing. The Central Coast Water Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General. The meeting is scheduled to begin at 8:30 A.M.; however, no specific time has been set for consideration of the Order.

PAYMENT OF MANDATORY MINIMUM PENALTY

No later than November 13, 2006, please make your check payable to *State Water Resources Control Board*, and note "MMP Complaint No. R3-2006-0120" on the check. Please mail the check and signed waiver form to: ***SWRCB Accounting, Attn: Enforcement, P.O. Box 100, Sacramento, CA 95812-0100.***

Please also mail copies of the check and signed waiver form to: ***Regional Water Quality Control Board Enforcement Unit, 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 San Simeon Community Services District's right to a public hearing before the Central Coast Water Board with regard to the violations alleged in Complaint for Mandatory Minimum Penalty No. R3-2006-0102. I agree to provide payment of the mandatory minimum penalty for the amount proposed in Complaint for Mandatory Minimum Penalty No. R3-2006-0102. I understand that I am giving up the San Simeon Community Services District's right to be heard, and its right to argue against the allegations made by the Executive Officer in Complaint for Mandatory Minimum Penalty No. R3-2006-0102, and against the imposition of, or the amount of, the mandatory minimum penalty proposed.

Signature

Printed Name

Title/Position

Date

**Board of Directors-Regular Meeting
San Simeon Community Services District
MINUTES
Wednesday October 11, 2006 6PM**

1. Regular Session

1.1 Roll Call: All directors in attendance except Director Mirabal- Boubion

1.2 Pledge of Allegiance

2. Public Comment: Yvonne Hartnett made comment regarding a concern that her water bill was higher than previous and attributed it to the newly installed touch-read meters. District Counsel Schultz stated that she must go through the District's policies to have the charges on her bill removed. Facility Manager Dan Daniels said he would place a second meter at her residence to verify the current meters' accuracy.

2.1 Sheriff's Report: On October 19, 2006 at the Cavalier, Commander Hall will conduct a public meeting regarding the issues concerning the San Simeon community. Some of those issues are narcotics, traffic problems, and break-ins. The past month has had a drop in service calls probably because school is back in session and it is becoming darker earlier. Also in the past month a meeting was held with local businesses setting up a neighborhood watch program.

3. Staff Reports

3.1 General Manager's Report

3.1.1.1 Immediate Plant Upgrades: General Manager Tom O'Neill stated that all work on the reactors and clarifiers is finished and the Immediate Upgrades are complete.

3.1.1.2 Water Meter Replacement Program: The replacement registers have been ordered and received for the 7 meters that the touch read part of the register were not reading. Installation will begin as time permits. The fact that the touch read part of the register was not working does not effect the accuracy of the meter readings.

3.1.1.3 Hydrant flow Testing: Six or seven fire hydrants were tested and the results will be included in the Water Master Plan.

3.1.2 Superintendent's Report: Facility Manager Dan Daniels explained that he received a call from Matthew Keeling of the Regional Water Quality Control Board regarding the July Report. Mr. Keeling mentioned several constituents were not received

as part of the annual testing. Mr. Daniels read through the requirements later and found that they state that a chronic toxicity test can be done in exception to testing for metals. Mr. Daniels requested permission from the RWQCB to allow staff to reduce the frequency of the surf samples since there have been no large exceedances with effluent sampling. Also, though no major differences were found in the two separate sampling locations of the Chlorine Contact Chamber, Mr. Keeling gave the approval to begin sampling in the new location suggested by ECO staff. There were no exceedances to report for August since the immediate upgrades have been completed. To date there have been no exceedances reported in September.

3.1.3 District Financial Summary:

September Billings	\$44,515.18
August Billings	\$64,595.06
Past Due	\$3,805.45
LAIF Account	\$918,746.91
SEP Account	\$83,193.54
	\$20,012.85
Accounts Payable	\$35,052.51
Checking Account Balance	\$93,152.94

3.2 District Counsel Report: District Counsel Schultz said there were two issues of concern for the past month. The first was Ordinance 102 and the changes from the Water Committee recommendations. The second concern was the contract issues with the surveyor regarding insurance and indemnification provisions. The contract without the provisions is much less expensive and Mr. Schultz recommends this option.

4. Items of Business

4.1 Approval of Minutes- August 9, 2006

Motion made by Director Russell
Second by Director Fields
Approved 4-0 with changes

4.2 Approval of Warrants-September 1 -30, 2006

Motion made by Director Russell
Second by Director Kiech
Approved 4-0 without exception

5. Discussion/Action Items

5.1 Discussion/Approval for General Manager to begin talks with PG and E regarding the replacement of Street Lights: The lighting for San Simeon is showing

increasing wear due to age. PG&E has contacted SSCSD regarding replacement of the lights. Any lights designated by PG&E as needing replacement will be at their cost. Tom O'Neill, in coordination with the San Simeon Chamber of Commerce, will begin discussion with PG&E regarding replacement of all the street lights and placing electrical wiring underground.

Motion made by Director Russell
Second made by Director Fields
Approved 4-0 without exception

5.2 Discussion/Action regarding leash laws and signage for cleaning up after pets:

Staff was directed to send a letter to the State of California to install a leash law sign and puppy mitts at the entrance of the stiles on Vista del Mar. Mr. Schultz will research the District's liability position.

5.3 Discussion/Action regarding the installation of turn stiles on State Property

along Vista Del Mar: State Parks has begun the process of installing turn stiles on Vista del Mar. The Board directed staff to continue discussions with the State of California to understand the impact of the project on the community in regards to safety and transportation.

5.4 Discussion/Approval of Ordinance 102 Continuing a Moratorium of the Issuance of Water Connections within the Boundaries of the District:

A conflict of interest was announced by Director Russell stating that he would not be able to vote because the Ordinance would, if approved, create an extraordinary increase in the value of his property. Director Russell left the meeting at 7:15 pm. Motion was to approve Ordinance 102 with stated changes.

Motion made by Director Kiech
Second by Director Fields
Approved 3-0 without exception

5.5 Board Committee Reports: None

5.6 Board Reports: None

6. Board/Staff General Discussions and Proposed Agenda Items: None

7. Adjournment 7:30