

RESOLUTION NO. 13-165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
TO SETTLE PENALTIES FOR WASTEWATER TREATMENT PLANT VIOLATIONS

WHEREAS, the City of Paso Robles Wastewater Treatment Plant (WWTP) discharge to the Salinas River is regulated by the Central Coast Regional Water Quality Control Board (Water Board) under a National Pollutant Discharge Elimination System (NPDES) permit.

WHEREAS, Paso Robles wastewater contains high salt levels. The existing WWTP is antiquated and cannot consistently comply with NPDES permit pollutant limits. Between September 1, 2009, and September 30, 2013, the City violated permit effluent limits 107 times.

WHEREAS, the California Water Code requires a mandatory minimum penalty of \$3,000 for each effluent violation. On November 13, 2013, the Water Board assessed the City with a penalty of \$321,000 for the 107 effluent violations.

WHEREAS, the California Water Code provides that penalties may be increased up to \$10,000 per day.

WHEREAS, the Water Board has offered an opportunity to settle the penalties and avoid the possibility that penalties may be increased.

WHEREAS, it would be in the City's best interest to settle this matter by paying the minimum penalty, and avoid the possibility of a greater penalty.

WHEREAS, the Water Board is allowing up to \$168,000 of the \$321,000 penalty to be directed to two pre-approved local environmental projects, instead of the State's Cleanup and Abatement Account. The pre-approved projects are the Low Impact Development Initiative and Central Coast Ambient Monitoring Program, both of which have benefited Paso Robles.

THEREFORE, BE IT RESOLVED, the City Council of the City of El Paso de Robles does hereby:

- a. Authorize the City Manager to settle this matter by signing and submitting the "Acceptance of Conditional Resolution and Waiver of Right to Hearing,"
- b. Approve payment of the \$321,000 penalty from the Sewer Enterprise Fund, and
- c. Request the Water Board direct \$168,000 of the penalty to the Low Impact Development Initiative and Central Coast Ambient Monitoring Program.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of December 2013, by the following vote:


AYES: Strong, Martin, Steinbeck, Hamon, Picanco

NOES:

ABSENT:

ABSTAIN:

ATTEST:


Caryn Jackson, Deputy City Clerk


Duane Picanco, Mayor