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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

June 28, 2022

David Korpan
Director of Environmental
Health and Safety
California Polytechnic University
1 Grand Avenue, Building 80
San Luis Obispo, CA 93407
Email: dkorpan@calpoly.edu

**Via Electronic Mail and Certified Mail
No. 7020 1810 0002 0773 8064**

Dear Mr. Korpan:

ENFORCEMENT PROGRAM: NOTICE OF VIOLATION REGARDING APRIL 12, 2022 CHILLED WATER SPILL, CALIFORNIA POLYTECHNIC UNIVERSITY SAN LUIS OBISPO, UTILIDOR COOLING SYSTEM, SAN LUIS OBISPO COUNTY

Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff received notice of a chilled water spill (spill) that occurred on April 12, 2022, from the California Polytechnic University San Luis Obispo (Discharger) Campus Cooling System, also referred to as the Utilidor. It is our understanding that a rented, temporary water filtration system suffered a mechanical failure that caused an overflow of treated cooling water from the filtration system that discharged to a storm drain presumably leading to Stenner Creek and San Luis Obispo Creek.

Alleged Violations

The Discharger reported the overflow via email and California Office of Emergency Services Spill Report Control No. 22-2078. As reported, on April 12, 2022, an estimated spill volume of 48,000 gallons discharged to a storm drain leading to Stenner Creek, tributary to San Luis Obispo Creek (both waters of the United States). The spill event is reported to have endured for approximately three hours beginning at approximately 3:30 A.M. and ending at 6:30 A.M. The spill did not result in the posting of health warnings or beach closure. The Discharger's report included relevant maps, pictures, and water quality sampling indicating a pH of 8 and no detectable chlorine residual.

In addition to the above report, the California Department of Fish and Wildlife deemed that the chilled water spill was unlikely to be deleterious to fish or wildlife and planned no additional action.

Unauthorized waste discharges to waters of the United States violate federal Clean Water Act section 301, which prohibits all discharges to such waters except as authorized by a National

JANE GRAY, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

Pollutant Discharge Elimination System permit. Central Coast Water Board staff alleges that the spill event described above violates that prohibition.

California Water Code section 13385 provides that any person who violates Clean Water Act section 301 may be subject to civil liability of up to \$10,000 for each day the violation occurs, and up to \$10 per gallon of waste discharged but not cleaned up over 1,000 gallons if imposed by the Central Coast Water Board. Alternatively, the superior court may impose liability of up to \$25,000 for each day the violation occurs, and up to \$25 per gallon of waste discharged but not cleaned up over 1,000 gallons. The Discharger's receipt of this Notice of Violation (NOV) does not preclude the Central Coast Water Board from taking further enforcement action for the violations cited herein. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

If you have questions regarding this letter, please contact Tamara Anderson at tamara.anderson@waterboards.ca.gov or (805) 549-3334.

Sincerely,

Thea S. Tryon
Assistant Executive Officer

cc via email:

California Polytechnic University, San Luis Obispo:

Christina Juarez
Environmental Health and Safety Supervisor
cdjuarez@calpoly.edu

Erin Winett
Environmental Protection Program Specialist
egwinett@calpoly.edu

Mark Sine
msine@calpoly.edu

Dennis Elliot
delliot@calpoly.edu

Central Coast Water Board:

Thea Tryon
Tamara Anderson
Harvey Packard
Jennifer Epp
Todd Stanley

File Location: R:\RB3\Shared\Enforcement\NOVs\NOV_Cal Poly Utilidor 48K Chilled Wtr Spill.docx
ECM Primary Indexing # 804781



Public Utilities

879 Morro Street, San Luis Obispo, CA 93401-2710
805.781.7215
slocity.org

NOTICE OF VIOLATION (Courtesy Warning Prior to Issuance of Administrative Citation)

Date: February 27, 2023

To: Cal Poly

Case No. 02162023-1S

Attn: Erin Winett

Property: 1 Grand Avenue
San Luis Obispo, CA 93407

1 Grand Avenue, Building 80
San Luis Obispo, CA 93407
egwinett@calpoly.edu

Dear Erin,

On February 16, 2023, City of San Luis Obispo staff noted the following violation(s) of the San Luis Obispo Municipal Code (“SLOMC”) or other relevant codes at the property address listed above:

1. Illegal discharge into the storm drain system

SLOMC §12.08.090: Prohibition of illegal discharges

No person shall discharge or cause to be discharged into the storm drain system any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water, including water runoff as defined in Chapter 13.07 [of the SLOMC].

An illegal discharge is assumed to have occurred if prohibited material is placed, blown, washed, tracked or in any way allowed to accumulate in any part of the MS4 [Municipal Separate Storm Sewer System] so that it can be conveyed by storm water.

On February 16, 2023 an email was received by City staff from a property owner adjacent to Cal Poly stating that the creek water appeared milky and blue. City staff arrived at 3:15pm in response and by that time the creek returned to its normal clear visual appearance with a slight milky-blue color remaining. Staff began walking along the creek searching for the source of the illicit discharge. No source was identified, but a call was made to Erin Winett of Cal Poly and she began reaching out to contacts throughout the university to determine the source of the discharge.

At 8:00am the following day of February 17, 2023, a suite of water samples were collected by City staff from Outfall 36 on the campus of Cal Poly.

On February 20, 2023 Cal Poly staff positively identified that the cause of the illicit discharge was a discharge of approximately 120 gallons of food service-related greasy water mixed with a drain cleaner (E-100) which was pumped from a blocked system at Poly Canyon Village. The operator discharged the contents at a different location on campus and into a sediment trap filter for stormwater at Vista Grande Dining Complex.

As reported by Cal Poly staff, the cartridge filters for the stormwater interceptor trapped a significant portion of the grease. Additionally, there are two more sump areas associated with the sediment filtration system which held a portion of the illicit discharge. The storm water system where the discharge occurred was pumped and cleaned. A map of the flow from the source to the final outfall as well as a specification sheet of the catch basin where the discharge occurred was provided to City staff.

Corrective actions:

- 1. Pump and clean any remaining contents of the discharge from the catch basin.***
- 2. Clearly label the storm drain where the discharge occurred with a sign that identifies that catch basin as a storm water inlet and that dumping is prohibited.***

Notify the undersigned inspector once these corrective actions have been completed.

We appreciate working with you to resolve this violation and would like to thank you for your efforts to clean up the remaining pollutants, to take actions to prevent this from occurring in the future, and to help preserve the health and integrity of our watershed. If you have questions, please contact the undersigned inspector.

Sincerely,



Keith Schwanemann

Environmental Compliance Inspector

E kschwane@slocity.org

T (805) 781-7426

Cc: Christina Claxton, Environmental Programs Manger - City of SLO cclaxton@slocity.org

Attachments: Photos



Figure 1 - Photo taken on 2/16/2023



Figure 2 - Photo taken on 2/16/2023 at 1:50pm



Figure 3 - Photo taken on 2/16/2023 at 1:52pm



Figure 4 - Photo taken on 2/16/2023 at 1:53pm