



Santa Ana Regional Water Quality Control Board

August 31, 2023

Tom Moody
Director of Utilities Department
City of Corona
755 Public Safety Way
Corona CA 92878
Tom.Moody@CoronaCA.gov

RE: CONDITIONAL SETTLEMENT OFFER NO. R8-2023-0042: TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF ORDER NO. R8-2020-0021 (NPDES NO. CA8000383) FOR THE CITY OF CORONA, DEPARTMENT OF WATER AND POWER: WATER RECLAMATION FACILITY NO.1 AT 2205 RAILROAD STREET, CORONA CA 92880 (WDID 8 330108001)

Dear Mr. Moody:

This letter is to notify the City of Corona (Discharger) of alleged violations subject to Mandatory Minimum Penalties (MMPs) pursuant to Water Code section 13385 identified in the State Water Resources Control Board's (State Water Board) water quality data system, and to allow the Discharger to participate in the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board) Expedited Payment Program to address these MMPs.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS), the Santa Ana Water Board Prosecution Team (Prosecution Team) alleges the Discharger is in violation of the Waste Discharge Requirements and Master Reclamation Permit for the City of Corona, Department of Water and Power, Water Reclamation Facility No. 1 Surface Water Discharges and Recycled Water Use Order No. R8-2020-0021, National Pollution Discharge Elimination System (NPDES) No. CA8000383 for exceedances of numeric effluent limitations for 4,4'-DDT, Bis (2-Ethylhexyl) Phthalate, Dieldrin, Heptachlor Epoxide, Turbidity, and Total Coliform for the facility located at 2205 Railroad Street, Corona, California in Riverside County. The Discharger will have the opportunity to address the alleged violations as discussed below:

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | www.waterboards.ca.gov/santaana

STATUTORY LIABILITY:

Pursuant to Water Code section 13385, subdivisions (h) and (i), the Discharger is subject to a MMP of three thousand dollars (\$3,000) for specified serious and chronic violations as defined by statute. Pursuant to Water Code section 13385(h)(2), a serious violation is an exceedance for any waste discharge requirement of a group I pollutant of 40% or greater and a group II pollutant of 20% or more. For the purpose of section 13385(i), a penalty of three thousand dollars (\$3,000) may be assessed for each non-serious violation after the first three violations if a violation occurs when a waste discharge exceeds effluent limitations 4 or more times in a 180-day period. The Discharger may also be subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) per day, per constituent, in which a violation occurs. Any discretionary administrative civil liability may be assessed by the Santa Ana Water Board beginning with the date the violations first occurred. The formal enforcement action the Santa Ana Water Board uses to assess such liability is an administrative civil liability complaint (ALC), although the Santa Ana Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per day per violation.

DISCHARGER'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer** by complying with this proposed settlement agreement and agreeing to pay a settlement of **one hundred seventy seven thousand dollars (\$177,000)**. The minimum administrative civil liability pursuant to Water Code section 13385 is \$3,000 for each specified serious or chronic violation. This is a **Conditional Offer**, subject to certain terms and conditions set forth below. If you choose this option, **you must sign and submit the enclosed Acceptance and Waiver form by September 29, 2023**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

Please submit an original ([blue ink](#)) signed Acceptance and Waiver form to:

Chuck Griffin, Enforcement Coordinator
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

In response to the Conditional Offer and payment in settlement of the enforcement action, the Santa Ana Water Board will forgo issuance of a formal administrative complaint, will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified.

2. **Contest the alleged violations** by submitting in writing the basis of your challenge along with supporting evidence. If you choose this option, you must submit your written documentation by **September 29, 2023**. The Santa Ana Water Board Prosecution Team will review your submission, and if we agree with you, we will notify you in writing that our enforcement action has been modified or terminated. All responses should be directed to:

Chuck Griffin, Enforcement Coordinator
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

If you do not respond in a manner described in the above options, the Santa Ana Water Board will prepare an ACLC for the violations. The liability amount sought in the ACLC and/or imposed by the Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an ACLC.

CONDITIONS FOR SANTA ANA WATER BOARD ACCEPTANCE OF RESOLUTION:

If you accept the Expedited Payment offer, the settlement will be published in the following manner: Federal regulations require the Santa Ana Water Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver and other requested technical reports on or before **September 29, 2023**, Santa Ana Water Board staff will publish a notice of the proposed settlement of the alleged violations.

If no comments are received within the notice period, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the MMP amount pursuant to Water Code section 13323. You will then be notified that payment is due within thirty (30) days. Failure to pay the administrative civil liability within the time frame may result in further enforcement including referral of the matter to the Attorney General, and/or may void the offer to participate in the Expedited Payment Program.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and the violations will be addressed through formal enforcement action.

This Expedited Payment Program offer does not address or resolve liability for any violation that is not specifically identified. The Santa Ana Water Board reserves the right to pursue formal enforcement of any violations not specifically cited.

Should you have any questions about this Expedited Payment Program, please contact Chuck Griffin via email at Chuck.Griffin@waterboards.ca.gov or via phone at (951) 782-4996.

Sincerely,



A. Nick Amini, PhD., P.E.
Branch Manager, Surface Water & Agriculture
Santa Ana Water Board Prosecution Team

Enclosure: Appendix 1 (Tables 1-2)

Acceptance of Conditional Resolution and Waiver of Right to Hearing;
(proposed) Order

cc (w/encl): Chuck Griffin, Santa Ana Regional Water Quality Control Board
Julio Lara, Santa Ana Water Quality Control Board

APPENDIX 1

DETERMINATION OF MANDATORY MINIMUM PENALTIES (MMPs) BASED ON SPECIFIC NUMERIC EFFLUENT LIMITATION (NEL) EXCEEDANCES

Table 1: Applicable requirements for specified parameters that exceeded NELs; reference Order No. R8-2020-0021

Pollutants	Requirement	Pollutant Category
Dieldrin	Section IV A1. Table 4 "Effluent Limitations at Discharge Point 001 Under Conditions without 20:1 Dilution in the Receiving Waters" Units (ug/l) average monthly 0.00014 ; maximum daily 0.00028	2
Heptachlor Epoxide	Section IV A1. Table 4 "Effluent Limitations at Discharge Point 001 Under Conditions without 20:1 Dilution in the Receiving Waters" Units (ug/l) average monthly 0.00011 ; maximum daily 0.00022	2
4,4 DDT	Section IV A1. Table 4 "Effluent Limitations at Discharge Point 001 Under Conditions without 20:1 Dilution in the Receiving Waters" Units (ug/l) average monthly 0.00059 ; maximum daily 0.0012	2
Cyanide (CN)	Section IV A1. Table 4 "Effluent Limitations at Discharge Point 001 Under Conditions without 20:1 Dilution in the Receiving Waters" Units (ug/l) average monthly 4.3 ; maximum daily 8.5	2
Bis (2-ethylxl) Phthalate	Section IV A1. Table 4 "Effluent Limitations at Discharge Point 001 Under Conditions without 20:1 Dilution in the Receiving Waters" Units (ug/l) average monthly 5.9 ; maximum daily 11.8	2
Coliform	Section IV A1, e. iii The disinfected wastewater shall meet the following: (a) The weekly median concentration of total coliform bacteria shall not exceed a Most Probable Number (MPN) of 2.2 total coliform bacteria per 100 milliliters (ml). To comply with the limit, the 7-day median MPN must not exceed 2.2 per 100 ml on any day during the week. However, only one violation is recorded for each calendar week, even if the 7-day median MPN level is greater than 2.2 for more than one day in the week. (b) The number of total coliform bacteria shall not exceed an MPN of 23 total coliform bacteria per 100 ml in more than one sample in any 30-day period. (c) No total coliform bacteria sample shall exceed an MPN of 240 total coliform bacteria per 100 ml.	Chronic

Table 2. Date, Constituent Result, Limit, Chronic, Serious Group I Group II Chronic Penalty Total Penalty

Parameter	Level	Units	Limit	Date	Pollutant Group	Penalty
Heptachlor Epoxide	0.0076	Daily Max Limit 0.00022ug/l	0.00022	9/15/2020	2	\$3,000.00
Heptachlor Epoxide	0.0076	Monthly Average 0.00011ug/l	0.00011	9/15/2020		
4,4'-DDT	0.0054	Daily ug/l	0.0012	2/17/2021		
4,4'-DDT	0.0054	Mon Avg ug/l	0.00059	2/17/2021		
Dieldrin	0.004	Daily Max Limit 0.00028ug/l	0.00028	2/17/2021	2	\$3,000.00
Dieldrin	0.004	Monthly Average 0.00014ug/l	0.00014	2/17/2021	2	\$3,000.00
4,4'-DDT	0.0036	Mon Avg ug/l	0.00059	3/2/2021	2	\$3,000.00
Turbidity	3	Daily Avg NTU	2	6/17/2021	Chronic	\$3,000.00
Turbidity	121	5 NTU for 72 min	72	6/18/2021	Chronic	\$3,000.00
Turbidity	611	5NTU for 72 min	72	6/19/2022	Chronic	\$3,000.00
Turbidity	149	5 NTU for 72 min	72	6/20/2021	Chronic	\$3,000.00
Turbidity	3	Daily Avg NTU	2	6/22/2021	Chronic	\$3,000.00
Turbidity	3	Daily Avg NTU	2	6/24/2021	Chronic	\$3,000.00
4,4'-DDT	0.0053	Mon Avg ug/l	0.00059	7/6/2021	2	\$3,000.00
Turbidity	3	Daily Avg NTU	2	9/13/2021	Chronic	\$3,000.00

City of Corona
Settlement Offer R8-2023-0042

- 7

[August 31, 2023]

4,4'-DDT	0.0031	Mon Avg ug/l	0.00059	10/5/2021	2	\$3,000.00
4,4'-DDT	0.0031	Daily ug/l	0.0012	10/5/2021		\$3,000.00
4,4'-DDT	0.0031	Mon Avg ug/l	0.00059	10/5/2021		\$3,000.00
Turbidity	11	10 NTU for 1 min	1	11/7/2021	Chronic	\$3,000.00
Turbidity	111	5 NTU for 72 min	72	11/7/2021	Chronic	
Turbidity	25	10 NTU for 1 min	1	11/16/2021	Chronic	
Total Coliform	6.1	7 day median 2.2 MPN/100m	2.2	11/27/2021	Chronic	
Total Coliform	7.8	7 day median 2.2 MPN/100m		11/30/2021		
Turbidity	216	5 NTU for 72 min	72	1/7/2022	Chronic	\$3,000.00
Turbidity	3.98	Daily Avg NTU	2	1/8/2022	Chronic	\$3,000.00
Turbidity	195	10 NTU for 1 min	1	1/8/2022	Chronic	\$3,000.00
Turbidity	350	5 NTU for 72 min	72	1/9/2022	Chronic	\$3,000.00
Turbidity	3.35	Daily Avg NTU	2	1/10/2022	Chronic	\$3,000.00
Turbidity	88	10 NTU for 1 min	1	1/10/2022	Chronic	\$3,000.00
Turbidity	624	5 NTU for 72 min	72	1/11/2022	Chronic	\$3,000.00
Turbidity	142	5 NTU for 72 min	72	1/12/2022	Chronic	\$3,000.00
Bis (2-ethylexyl) Phthalate	15	Mon Avg ug/l	5.9	5/16/2022	2	\$3,000.00
Bis (2-ethylexyl) Phthalate	61	Daily ug/l	11.8	8/2/2022	2	\$3,000.00
TSS	Lost	Mon Avg mg/l	30	8/13/2022	No Penalty	\$0.00
CN	18	Mon Avg ug/l	4.3	9/6/2022	2	\$3,000.00
4,4'-DDT	0.0021	Mon Avg ug/l	0.00059	11/8/2022	No Penalty	\$0.00
Heptachlor	0.03	Daily Max Limit 0.00022ug/l	0.00042	12/6/2022	2	\$3,000.00

