Enforcement News

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 West Fourth Street, #200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
http://www.waterboards.ca.gov/losangeles

For Immediate Release
November 26, 2012

Contact: Samuel Unger, PE
Executive Officer
213-576-6605

LOS ANGELES WATER BOARD SEEKS PENALTIES FROM SANITATION DISTRICTS FOR FAILURE TO COMPLY WITH SANTA CLARA RIVER CHLORIDE LIMITATIONS

LOS ANGELES – The Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) Executive Officer has issued an administrative civil liability complaint to the County Sanitation Districts of Los Angeles County (CSDLAC) for alleged violations of waste discharge requirements for its Valencia and Saugus Water Reclamation Plants.

The complaint seeks a total penalty of $280,250 for the failure to complete Wastewater Facilities Plans and Programmatic Environmental Impact Reports by the required due date in 2011.

CSDLAC is required to submit the documents as part of a series of implementation tasks designed so that the Valencia and Saugus Water Reclamation Plants will meet waste load allocations for chloride in the Upper Santa Clara River.

The Upper Santa Clara River Total Maximum Daily Load for chloride was adopted in 2005 and updated in 2010 to protect the beneficial uses of the Santa Clara River, which include agricultural supply, groundwater recharge, and rare and endangered species habitat.

"The Los Angeles Regional Water Quality Control Board is committed to ensuring that all dischargers comply with the requirements of their permits," said Water Board Executive Officer Sam Unger. "This will protect and restore water quality and preserve the beneficial uses of the Santa Clara River as a source of irrigation water for agriculture in the Los Angeles Region."

The public has until December 26, 2012 to comment on the administrative civil liability complaint. The complaints are available for public review on the Los Angeles Water Board's website at: http://www.swrcb.ca.gov/rwqcb4/water_issues/programs/enforcement/EnforcmentActions.shtml

The Los Angeles Water Board protects and restores water quality in coastal watersheds in Los Angeles and Ventura Counties and in portions of Kern and Santa Barbara counties. The Los Angeles Water Board is scheduled to consider the complaints on February 21, 2013.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 26, 2012

Ms. Grace Robinson Chan
Chief Engineer and General Manager
County Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90607-4998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 2352

COMPLAINT NO. R4-2012-0160 AGAINST SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY, VALENCIA WATER RECLAMATION PLANT, 28185 THE OLD ROAD, VALENCIA, CA (ORDER NO. R4-2009-0074, NPDES PERMIT NO. CA0054216, CI 4993) AND SAUGUS WATER RECLAMATION PLANT, 26200 SPRINGBROOK AVENUE, SANTA CLARITA, CA (ORDER NO. R4-2009-0075, NPDES PERMIT NO. CA0054313, CI 2960)

Dear Ms. Chan:

Enclosed is Complaint No. R4-2012-0160 for Administrative Civil Liability in the amount of $280,250 against Santa Clarita Valley Sanitation District of Los Angeles County (hereinafter Permittee) for violating requirements contained in Order Nos. R4-2009-0074 and R4-2009-0075. Also enclosed is a copy of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) Notice of Public Hearing to Consider an Administrative Civil Liability Complaint.

Unless waived, a hearing before the Regional Board or a Regional Board Hearing Panel (Hearing Panel) will be held on this Complaint pursuant to California Water Code sections 13228.14 and 13323. Should the Permittee choose to waive its right to a hearing, authorized representatives must sign the waiver form attached to Complaint No. R4-2012-0160 and return it to the Regional Board by 5:00 pm on **December 26, 2012**. An agenda containing the date, time, location, and specific procedures of the hearing will be mailed to you prior to the hearing date.

If you have any questions regarding this matter, please contact Mr. Hugh Marley at (213) 620-6375 or Ms. Jenny Newman at (213) 576-6691.

Sincerely,

Samuel Unger

Samuel Unger, P.E.
Executive Officer

Enclosures: Complaint No. R4-2012-0160
Notice of Public Hearing

Administrative Civil Liability Fact Sheet

cc: See mailing list

MAILING LIST

[via email only]
Samuel Unger, P.E., Los Angeles Regional Water Quality Control Board
Jennifer Fordyce, Office of Chief Counsel, State Water Resources Control Board
Nicole Johnson, Office of Chief Counsel, State Water Resources Control Board
Julie Macedo, Office of Enforcement, State Water Resources Control Board
Michael Solomon, United Water Conservation District

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

In the matter of: **Santa Clarita Valley Sanitation District of Los Angeles County** **Valencia Water Reclamation Plant** **28185 The Old Road** **Valencia, CA 91355 and** **Saugus Water Reclamation Plant** **26200 Springbrook Avenue** **Santa Clarita, CA 91350**	**Complaint No. R4-2012-0160** **Administrative Civil Liability for** **Violation of California Water Code § 13385** **And** **Order Nos. R4-2009-0074** **(NPDES Permit No. CA0054216) and R4-2009-0075 (NPDES Permit No. CA0054313)**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD or Permittee) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) may impose civil liability pursuant to Water Code section 13385.

2. Unless waived, a hearing on this matter will be held before the Los Angeles Water Board, or a panel of Los Angeles Water Board members, within 90 days following issuance of this Complaint. SCVSD or its representative(s) will have an opportunity to address and contest the allegations in this Complaint and the proposed imposition of administrative civil liability.

3. At the hearing, the Los Angeles Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for assessment of judicial civil liability.

BACKGROUND

4. SCVSD owns and operates the Valencia Water Reclamation Plant (hereinafter Facility or Valencia WRP), a tertiary wastewater treatment plant located at 28185 The Old Road, Valencia, California. The facility has a design capacity of 21.6 million gallons per day (mgd). The facility discharges tertiary-treated wastewater from Discharge Points 001 and 002 to the Santa Clara River, a water of the United States.

5. SCVSD also owns and operates the Saugus Water Reclamation Plant (hereinafter Facility or Saugus WRP), a tertiary wastewater treatment plant located at 26200

Springbrook Avenue, Santa Clarita, California. The facility has a design flow of 6.5 million gallons per day (mgd). The facility discharges tertiary-treated wastewater from Discharge Point 001 to the Santa Clara River, a water of the United States.

6. On May 6, 2004, the Los Angeles Water Board adopted Resolution No. 04-004, which revised and adopted the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL). This TMDL was approved by the State Water Resources Control Board (State Water Board) on July 22, 2004; the Office of Administrative Law (OAL) on November 15, 2004; and the United States Environmental Protection Agency (USEPA) on April 28, 2005. It became effective on May 4, 2005.

7. On December 11, 2008, the Los Angeles Water Board adopted Resolution No. R4-2008-012, which adopted site specific chloride objectives and revised the Upper Santa Clara River Chloride TMDL. This resolution was approved by the State Water Board on October 20, 2009; the OAL on January 26, 2010; and the USEPA on April 6, 2010. It became effective on April 6, 2010.

8. On June 4, 2009, the Los Angeles Water Board adopted Order No. R4-2009-0074 *Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia Water Reclamation Plant Discharge to the Santa Clara River.* This Order became effective on July 24, 2009, and serves as National Pollutant Discharge Elimination System (NPDES) Permit No. CA0054216. Order No. R4-2009-0074 incorporates the Upper Santa Clara River Chloride TMDL Implementation Plan.

9. On June 4, 2009, the Los Angeles Water Board adopted Order No. R4-2009-0075 *Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Saugus Water Reclamation Plant Discharge to the Santa Clara River.* This Order became effective on July 24, 2009, and serves as National Pollutant Discharge Elimination System (NPDES) Permit No. CA0054313. Order No. R4-2009-0075 incorporates the Upper Santa Clara River Chloride TMDL Implementation Plan.

10. Order No. R4-2009-0074, Provision VI.C.8. (page 41) reads: "The discharger shall comply with the applicable TMDL-related tasks, and future revisions thereto, in Attachment K of this Order." Task No. 17(a) of Attachment K requires that by May 4, 2011, SCVSD complete a Wastewater Facilities Plan and Programmatic Environmental Impact Report (EIR) for facilities to comply with final effluent permit limits for chloride.

11. Order No. R4-2009-0075, Provision VI.C.8. (page 40) reads: "The discharger shall comply with the applicable TMDL-related tasks, and future revisions thereto, in Attachment K of this Order." Task No. 17(a) of Attachment K requires that by May 4, 2011, SCVSD complete a Wastewater Facilities Plan and Programmatic Environmental Impact Report (EIR) for facilities to comply with final effluent permit limits for chloride.

12. On May 2, 2011, SCVSD submitted a Wastewater Facilities Plan. The Wastewater Facilities Plan was inadequate because it was not a plan for facilities to comply with final effluent limits for chloride of 100 mg/L. Instead, the submitted Wastewater Facilities Plan was intended to meet chloride limits of 117 mg/L (when water supply concentrations of chlorine are < 80 mg/L) and 130 mg/L (when water supply concentrations of chlorine are ≥ 80mg/L). However, according to the TMDL, chloride limits of 117 mg/L and 130 mg/L only apply when chloride load reductions and/or chloride export projects are in operation by the SCVSD. The submitted Wastewater

Facilities Plan assumes application of chloride limits of 117 mg/L and 130 mg/L without operation of chloride load reductions and/or chloride export projects. Additionally, the Wastewater Facilities Plan assumes the TMDL will be revised to allow for chloride limits of 117 mg/L and 130 mg/L without operation of chloride load reductions and/or chloride export projects. Thus the submitted Wastewater Facilities Plan did not meet the requirements of Task No. 17(a) of Attachment K of Order Nos. R4-2009-0074 and R4-2009-0075.

13. On May 2, 2011, SCVSD submitted a copy of a Notice of Exemption from the requirement to prepare an EIR. This Notice of Exemption did not meet the requirements of Task 17(a) because it did not constitute a programmatic EIR for facilities to comply with final effluent limits for chloride of 100 mg/L. Instead it was for facilities proposed in the submitted Wastewater Facilities plan, which, as stated in Finding No. 12, does not meet the requirements of Task No. 17(a) of Attachment K. Furthermore, the Notice of Exemption is based on a determination by SCVSD that the submitted Wastewater facilities Plan was a "planning study that describes possible actions that the agency has not approved, adopted, or funded." The programmatic EIR was required to be prepared for a Wastewater Facilities Plan that would meet final chloride effluent limits, not a study of possible planning actions.

14. On May 27, 2011, the Los Angeles Water Board issued Notices of Violation (NOV) to SCVSD for failure to complete Task 17(a) of Order No. R4-2009-0074 and R4-2009-0075. The NOVs directed SCVSD to complete Task 17(a) for both of its facilities and submit the Wastewater Facilities Plan and Programmatic EIR for its facilities to comply with final permit effluent limits for chloride to the Regional Board. The NOVs further directed SCVSD to submit a written response by June 27, 2011 that either: (1) confirms that SCVSD has corrected these violations with a brief description of how SCVSD had corrected them, or (2) identifies when SCVSD will have completed correcting these violations and a brief description of how SCVSD will correct them.

15. On June 27, 2011, SCVSD submitted a response to the NOVs stating that SCVSD staff would recommend to its Board of Directors that staff prepare a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L. The response stated that, assuming the Board approved the staff recommendation, the Wastewater Facilities Plan and EIR would be completed by December 31, 2012.

16. On July 19, 2012, SCVSD submitted a letter to the Los Angeles Water Board with a compliance status update. According to the letter, at its July 26, 2011 meeting, the SCVSD Board of Directors approved its staff's recommendation to prepare a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L. SCVSD released a Notice of Preparation on January 6, 2012, seeking input on the scope for the Facilities Plan and EIR. According to the July 19, 2012 letter, due to the volume and nature of comments received in response to the Notice of Preparation, SCVSD would not be able to complete the Wastewater Facilities Plan and EIR by December 31, 2012. The letter stated that SCVSD would provide a new projected schedule for the production of the documents at a later date.

17. As of the date of this complaint, SCVSD has not complied with Task 17(a) of Order Nos. R4-2009-0074 or R4-2009-0075.

ALLEGATIONS

SCVSD has failed to comply with Task 17(a) of Order Nos. R4-2009-0074 and R4-2009-0075.

1. Required Task 17(a) on page K-3 of Attachment K to Order Nos. R4-2009-0074 and R4-2009-0075 requires SCVSD to complete a Wastewater Facilities Plan and Programmatic EIR by May 4, 2011 for its facilities to comply with final effluent permit limits for chloride.

2. In the May 27, 2011, Notices of Violation, the Los Angeles Water Board notified SCVSD of its failure to comply with Task 17(a) of the Orders, and warned of the potential for the imposition of administrative civil liability. The Permittee has not yet complied with Task 17(a) of the Orders.

3. Pursuant to Water Code section 13385, subdivision (c), the Los Angeles Water Board may impose liability up to $10,000 for each day of violation of the Orders.

4. Task 17(a) had a required due date of May 4, 2011. The Los Angeles Water Board has elected to calculate administrative civil liability for failing to comply with the Orders based on the number of days that the Permittee has failed to comply with Task 17(a) since this due date.

5. To date, SCVSD has been in violation of Task 17(a) for **572** days (May 5, 2011 to November 26, 2012) for **each** Order (Order Nos. R4-2009-0074 and R4-2009-0075).

6. Water Code sections 13327 and 13385(e) specify factors that the Los Angeles Water Board shall consider in establishing the appropriate amount of civil liability under Water Code section 13385. The Water Quality Enforcement Policy (Enforcement Policy) adopted by the State Water Resources Control Board on November 19, 2009, and approved by the Office of Administrative Law on May 20, 2010, establishes a methodology for assessing administrative civil liability pursuant to the factors in Water Code section 13327 and 13385(e).

7. Attachment A to this Complaint indicates the proposed civil liability for violating the conditions of the Orders. The calculations used to derive this liability are based on the penalty methodology in the Enforcement Policy. While the Board may ultimately choose to increase, decrease, or accept the Prosecution Team's selected Enforcement Policy factors, it must make findings based on the Enforcement Policy and presented evidence to do so.

8. As described in Attachment A, the proposed liability for the violations described here is **$140,125** for violation of Order No. R4-2009-0074 and **$140,125** for violation of Order No. R4-2009-0075, for a total recommended penalty of **$280,250**.

MAXIMUM LIABILITY

9. Pursuant to Water Code section 13385, subdivision (c), the maximum administrative civil liability which could be imposed by the Los Angeles Water Board for failing to comply with requirements of Order Nos. R4-2009-0074 and R4-2009-0075 is ten thousand dollars ($10,000) for each day in which the violation occurs. SCVSD has failed to

provide the required groundwater report for 572 days for each Order (a total of 1,144 days). Thus, the maximum liability amount for 1,144 days of violation is **$11,440,000.**

MINIMUM LIABILITY

10. Pursuant to the Enforcement Policy, the minimum administrative civil liability that shall be imposed by the Los Angeles Water Board is the amount of economic benefit derived from the violations, plus 10 percent. Staff currently believes this to be a delayed cost and not an avoided cost, as SCVSD has promised to prepare the reports. Therefore, the economic benefit would be the interest received by SCVSD by failing to produce the reports *as* required *in May* 2011, and *not the entire cost of* producing *the* required technical reports themselves. The proposed liability captures this economic benefit.

PROPOSED LIABILITY

11. As described in Attachment A, it is recommended that the Los Angeles Water Board impose civil liability against the Permittee in the amount of **$280,250** for the violations described in this Complaint. • If the Permittee elects to contest this matter, the recommended liability may increase to recover additional necessary staff costs.

Dated this 26th day of November, 2012.

Samuel Unger

SAMUEL UNGER, P.E.
Executive Officer

ATTACHMENT A
10-STEP PENALTY CALCULATION METHODOLOGY

The State Water Resources Control Board's Water Quality Enforcement Policy (amended November, 2009 and effective May 20, 2010)[1] establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in CWC section 13327 and 13385. The liability methodology spreadsheet, Attachment B, is incorporated herein and made a part of this ACL Complaint by this reference. It presents the administrative civil liability derived from the use of the penalty methodology in the Enforcement Policy.

Step 1 – Potential for Harm for Discharge Violations

Not Applicable – This step does not apply since the violation of Order Nos. R4-2009-0074 and R4-2009-0075 alleged in the Complaint are non-discharge violations.

Step 2 – Assessment for Discharge Violations

Not Applicable – This step does not apply since the violation of Order Nos. R4-2009-0074 and R4-2009-0075 alleged in the Complaint are non-discharge violations.

Step 3 – Per Day Assessments for Non-Discharge Violations

Regional Board staff used the matrix set forth in Table 3 of the Enforcement Policy (page 16) to calculate an initial liability factor for the violation of the Orders, considering the **Potential for Harm** and the **Deviation from Requirement**.

a. Potential Harm

Staff determined that the **Potential for Harm** was **Moderate** because the violations of Task 17(a), which will lead to a delay in compliance with final effluent limits for chloride, will have an impact on salt sensitive agriculture beneficial uses. Thus, "the characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm" as described in the Enforcement Policy.

b. Deviation from Requirement

Staff determined that the **Deviation from Requirement** was **Moderate** because SCVSD did not submit the Wastewater Facilities Plan and Programmatic EIR by the required deadline, but it has taken steps to do so in the future. Thus, "the intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)" as described in the Enforcement Policy.

c. Per Day Factor

From the range given in the matrix set forth in Table 3 of the Enforcement Policy non-discharge violations of this type, Staff selected a **Per Day Factor** of **0.35**, which is the average factor in the given range.

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[1] The Enforcement Policy may be found at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf

d. Maximum per Day Liability Amount
Pursuant to CWC section 13385, the Regional Board may assess a maximum administrative civil liability of **$10,000** for each day in which the Permittee fails to comply with requirements of Order Nos. R4-2009-0074 and R4-2009-0075.

e. Days Subject to Liability
SCVSD has been in violation for **572 days** for each Order, calculated from the May 5, 2011, the day after the due date for the Wastewater Facilities Plan and Programmatic EIR, through November 26, 2012, the date of the Complaint.

However, in accordance with the Enforcement Policy (page 18), an alternative approach to penalty calculation for violations that last more than 30 days may be used if the Los Angeles Water Board can make express findings that the violation(s):

a. Is (are) not causing daily detrimental impacts to the environment or the regulatory program;
b. Result(s) in no economic benefit from the illegal conduct that can be measured on a daily basis; or
c. Occurred without the knowledge or control of the violator, who therefore did not take action to mitigate or eliminate the violation.

Los Angeles Water Board staff has determined that the alternative penalty calculation approach is appropriate since the violations result in no economic benefit from the illegal conduct that can be measured on a daily basis.

The alternative penalty calculation approach provides that for violations lasting more than 30 days, the liability shall not be less than an amount that is calculated based on an assessment of the initial liability amount for the first day of the violation, plus an assessment for each 5 day period of violation until the 30th day, plus an assessment for each 30 days of violation thereafter.

Using the alternative penalty calculation approach, **25 days** for the violation of each Order are subject to liability, based on a per day assessment for day 1, 5, 10, 15, 20, 25, 30, 60, 90, and so forth for every additional 30 days of violation within the 501 day total.

Using the above information, the Initial Liability assessed per day for each violation is calculated to be **$87,500**:

(Per Day Factor) x (Days Subject to Liability) x (Maximum per Day Liability Amount)

= (0.35) x (25 days) x ($10,000/day)

= $87,500 for each violation

Step 4 – Adjustment Factors

Staff considered certain Permittee Conduct Factors to calculate assessment for the Violations:

a. Culpability:

SCVSD is culpable for the violations. SCVSD is subject to the waste discharge requirements in their NPDES permits as set forth in Order Nos. R4-2009-0074 and R4-2009-0075. The completion date for Task No. 17(a) is clearly listed in these Orders. In addition, SCVSD was involved in the adoption of the Upper Santa Clara River Chloride TMDL, which is incorporated into the NPDES permits. SCVSD was given notice to submit the required documentation in letters from the Los Angeles Water Board dated September 29, 2010; April 1, 2011; and May 27, 2011. SCVSD therefore was fully aware of the requirement of Order Nos. R4-2009-0074 and R4-2009-0075 and failed to comply. SCVSD's compliance with the final effluent limitations that go into effect in 2015 as set forth in the TMDL and the NPDES permits, while not at issue in this Complaint, is jeopardized by SCVSD's failure to submit the initial documentation. In addition, extensive communications between the Regional Board staff and SCVSD staff led the Regional Board staff to presume that the technical documents would be submitted timely. Instead, the SCVSD has changed course with its remedial and technical intentions, contrary to public statements made to Regional Board staff and to the Regional Board in developing the TMDL. Upon receiving the first notice, a reasonable and prudent person would have submitted the required technical documents to come into compliance. For these reasons, staff selected a factor of **1.3**. The selection of this factor increases the base liability.

b. Cleanup and Cooperation:
SCVSD has voluntarily cooperated in returning to compliance, although is not currently in compliance. As of the date of the Complaint, SCVSD has taken steps to come into compliance with the Orders by approving the staff recommendation to prepare a Wastewater Facilities Plan and EIR, and by releasing a Notice of Preparation. Therefore, Staff selected a factor of **1.0**. The selection of this factor neither increases nor decreases the base liability.

c. History of Violations:
SCVSD has previously violated effluent limits under NPDES Permit Nos. CA0054216 (Valencia WRP) and CA0054313 (Saugus WRP). Therefore, staff selected a factor of **1.1**, which is the minimum multiplier for repeated violations. The selection of this factor increases the base liability.

Revised Assessment for Each Violation
The initial assessment for the Violation is multiplied by the above factors to give a revised assessment of **$125,125**:

(Initial Assessment) x (Culpability) x (Cleanup and Cooperation) x (History)

= ($87,500) x (1.3) x (1.0) x (1.1)

= $125,125 for each violation

Step 5 – Determination of Total Base Liability Amount

Since there are two violations being assessed liability, the **Total Base Liability Amount** is **$250,250**—i.e. $125,125 (Valencia, Order No. R4-2009-0074) + $125,125 (Saugus, Order No. R4-2009-0075).

(Revised Assessment for Violation 1) + (Revised Assessment for Violation 2)

= ($125,125) + ($125,125)

= $250,250

Step 6 – Ability to Pay and Ability to Continue in Business

SCVSD is a large public agency that has the ability to increase rates. The Total Base Liability Amount will not affect the Permittee's ability to continue in business. Accordingly, the Total Base Liability Amount was not adjusted. The burden of proof is on SCVSD to indicate if it has the inability to pay the recommended liability.

Step 7 – Other Factors as Justice May Require

If the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for "other factors as justice may require," but only if express findings are made to justify this adjustment. In addition, the costs of investigation and enforcement are "other factors as justice may require," and should be added to the liability amount.

Staff costs incurred by the Los Angeles Water Board to date are **$30,000**. This amount was added to the Total Base Liability Amount, bringing the **adjusted Total Base Liability Amount** to **$250,250:**

(Adjusted Total Base Liability) = (Total Base Liability) + (Staff Costs)

= ($250,250) + ($30,000)

= $280,250

Step 8 – Economic Benefit

The Economic Benefit Amount is any savings or monetary gain derived from the act or omission that constitutes the violation. The Enforcement Policy states that the adjusted Total Base Liability Amount shall be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations.

Staff estimates the benefit of non-compliance to be approximately **$8,925** which is an estimate based on the interest able to be generated by SCVSD between May 5, 2011, when the EIR and Wastewater Facilities Plan was due, and December 31, 2012, the date by which SCVSD has promised to come into compliance. This figure was generated using the BEN model developed by the EPA. Staff is currently treating this cost as a delayed cost rather than an avoided cost.

Step 9 – Maximum and Minimum Liability Amounts

The **Minimum Liability Amount** is equivalent to **110 percent of the Economic Benefit** derived from the violation. Using the economic benefit estimated in Step 8, the minimum liability amount is **$9,817.50** (economic benefit plus 10%).

The **Maximum Liability Amount** is **$11,440,000**, which is calculated by multiplying the maximum $10,000 per day rate under Water Code Section 13385, subdivision (c), and 1,144 days, the total number of days SCVSD has been in violation.

Step 10 – Final Liability Amount

In accordance with the above methodology, Staff recommends a **Final Liability Amount** of **$280,250**. This Final Liability Amount is within the statutory minimum and maximum amounts.

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2012-0160

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent SCVSD in connection with Administrative Civil Liability Complaint No. R4-2012-0160 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

a. I hereby waive any right the Permittee may have to a hearing before the Regional Water Board.

b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **$280,250** by check that references "ACL Complaint No. R4-2012-0160" made payable to the "*Cleanup and Abatement Account*". Payment must be received by the Regional Water Board by **December 26, 2012** or this matter will be placed on the Regional Board's agenda for a hearing as initially proposed in the Complaint.

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in SCVSD having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject SCVSD to further enforcement, including additional civil liability.

(Print Name and Title)	(Print Name and Title)
For _____	For _____
Signature	Signature
Date	Date

Penalty Calculation Methodology Worksheet - Version Date: 6/24/2010

Instructions
1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

	Violation 1 - Valencia WRP	Violation 2 - Saugus WRP
Select Item	Potential Harm for Discharge Violations	Potential Harm for Discharge Violations
Select Item	Characteristics of the Discharge	Characteristics of the Discharge
Select Item	Susceptibility of Cleanup or Abatement	Susceptibility of Cleanup or Abatement
Select Item	Deviation from Requirement	Deviation from Requirement

Discharger Name/ID: Santa Clarita Valley Sanitation District

			Violation 1 - Valencia WRP		Violation 2 - Saugus WRP	
Discharge Violations	**Step 1**	Potential Harm Factor (Generated from Button)				
	Step 2	Per Gallon Factor (Generated from Button)				
		Gallons				
		Statutory / Adjusted Max per Gallon ($)				
		Total		$ -		$ -
		Per Day Factor (Generated from Button)	0		0	
		Days				
		Statutory Max per Day				
		Total		$ -		$ -
Non-Discharge Violations	**Step 3**	Per Day Factor	0.35		0.35	
		Days	25		25	
		Statutory Max per Day	$ 10,000		$ 10,000	
		Total		$ 87,500.00		$ 87,500.00
	Initial Amount of the ACL			**$ 87,500.00**		**$ 87,500.00**
Add'l Factors	**Step 4**	Culpability	1.3	$ 113,750.00	1.3	$ 113,750.00
		Cleanup and Cooperation	1	$ 113,750.00	1	$ 113,750.00
		History of Violations	1.1	$ 125,125.00	1.1	$ 125,125.00
	Step 5	**Total Base Liability Amount**		**$ 250,250.00**		
	Step 6	Ability to Pay & to Continue in Business	1	$ 250,250.00		
	Step 7	Other Factors as Justice May Require	1	$ 250,250.00		
		Staff Costs	$ 30,000	$ 280,250.00		
	Step 8	Economic Benefit	$ 8,925	**$ 280,250.00**		
	Step 9	Minimum Liability Amount	$ 9,817.50			
		Maximum Liability Amount	$ 11,440,000			
	Step 10	**Final Liability Amount**		**$ 280,250.00**		

Penalty Day Range Generator

Start Date of Violation=	5/5/11	
End Date of Violation=	11/26/12	
Maximum Days Fined (Steps 2 & 3) =	572	Days
Minimum Days Fined (Steps 2 & 3) =	25	Days

HEARING PANEL OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

320 W. 4th Street, Suite 200
Los Angeles, California 90013
(213) 576-6600

ACLC No. R4-2012-0160-M

NOTICE OF PUBLIC HEARING AND HEARING PROCEDURES

TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND PROPOSE RECOMMENDATIONS

DISCHARGER	DISCHARGE LOCATIONS	RECEIVING WATER
Santa Clarita Valley Sanitation District of Los Angeles County	Valencia Water Reclamation Plant 28185 The Old Road Valencia, CA 91355 Saugus Water Reclamation Plant 26200 Springbrook Avenue Santa Clarita, CA 91350	Santa Clara River

Administrative Civil Liability Complaint (ACLC) No. R4-2012-0160-M alleges that the Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD) violated Order Nos. R4-2009-0074 and R4-2009-0075 by failing to comply with TMDL-related tasks set forth in the permit. As stated in the ACLC, Regional Board staff, represented by the Regional Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of $280,250 be assessed against the Santa Clarita Valley Sanitation District of Los Angeles County for these violations.

Pursuant to Water Code section 13228.14, a Hearing Panel consisting of three or more members of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will convene a hearing to hear evidence, determine facts, and to propose a recommendation to the Regional Board about resolution of the ACLC.

This notice sets forth procedures and outlines the process to be used at this hearing.

I. HEARING DATE AND LOCATION

Date: February 21, 2013
Time: 9:00 A.M.
Place: TBD

II. AVAILABILITY OF DOCUMENTS

The ACLC and other documents concerning the subject of the ACLC are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of the documents may be made by contacting the Case Manager of the Prosecution Team (identified in Section V below). Comments received, the Prosecution Team's proposed Hearing Panel Report and Order, and other subsequent relevant documents will be available as they are received or generated.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing or contained in the Hearing Panel binder. However, the entire file might not be present at the hearing. Should any parties or interested persons desire that the Prosecution Team bring to the hearing any particular documents that are not included in the Hearing Panel binder, they must submit a written or electronic request to the Case Manager of the Prosecution Team (identified in Section V below) so that it is received by **5:00 pm on February 1, 2013**. The request must identify the documents with enough specificity for the Prosecution Team to locate them. (Documents in the Hearing Panel binder will be present at the hearing.)

III. NATURE OF HEARING

This will be a formal adjudicative hearing pursuant to section 648 *et seq.* of Title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Regional Board, except as otherwise specified in the above-referenced regulations.

IV. PARTIES TO THE HEARING

The following are the parties to this proceeding:

1. Santa Clarita Valley Sanitation District of Los Angeles County
2. Regional Board Staff Prosecution Team

All other persons who wish to participate in the hearing as a designated party shall request party status by submitting a written or electronic request to the Legal Advisor to the Hearing Panel identified in Section VIII below so that it is received by **5:00 pm on January 10, 2013**. All requests for designation as a party shall include the name, phone number, and email address of the person who is designated to receive notices about this proceeding. The request shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the

hearing and the potential actions by the Regional Board affect the person), and a statement explaining why the parties designated above do not adequately represent the person's interest. The requesting party will be notified before the hearing whether the request is granted. All parties will be notified if other persons are so designated.

V. COMMUNICATIONS WITH THE PROSECUTION TEAM

The California Administrative Procedure Act requires the Regional Board to separate prosecutorial and adjudicative functions in matters that are prosecutorial in nature. A Prosecution Team, comprised of Regional Board enforcement and other staff, will serve as the complainant in the proceedings and is a designated party. The Case Manager over this matter, who will coordinate the efforts of the Prosecution Team, is Jenny Newman, Senior Environmental Scientist. Julie Macedo, Staff Counsel III from the State Water Resources Control Board's Office of Enforcement will advise the Prosecution Team prior to and at the panel hearing. Neither Ms. Macedo nor the members of the Prosecution Team will be advising the Regional Board in this matter or have engaged in any substantive conversations regarding the issues involved in this proceeding with any of the Board Members or the advisors to the hearing panel (identified below).

Any communication with the Prosecution Team prior to the hearing should be directed to the Case Manager:

Jenny Newman
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 576-6691
jnewman@waterboards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than **January 4, 2013**, the Prosecution Team will send the parties a preliminary Hearing Panel binder containing the most pertinent documents related to this proceeding and a PowerPoint presentation, which summarizes the evidence and testimony that the Prosecution Team will present and rely upon at the hearing.

Santa Clarita Valley Sanitation District of Los Angeles County is required to submit:

1) Any additional documents or evidence the Party wants the Hearing Panel to consider,
2) A summary of any legal and technical arguments and testimony the Party intends to present,
3) The name of each witness, if any, whom the Party intends to call at the hearing, and
4) A statement regarding how much time the Party needs to present the case

to the attention of the Case Manager of the Prosecution Team (as identified above) and other designated parties so that it is received by **5:00 pm on January 25, 2013**. All documentation listed above must be received by the deadline, or it may be excluded from consideration by the Hearing Panel. The Prosecution Team shall have the right to present additional evidence in rebuttal of matters submitted by any other party.

The Prosecution Team will send to the Hearing Panel and the parties a final Hearing Panel binder no later than **February 11, 2013**.

B. Submittals By Interested Persons.

Persons who are not designated as parties, above, that wish to comment upon or object to the proposed mandatory minimum penalty, or submit evidence for the Hearing Panel to consider, are invited to submit them in writing to the Prosecution Team (as identified above). To be evaluated and responded to by the Prosecution Team, included in the final Hearing Panel binder, and fully considered by the Hearing Panel in advance of the hearing, any such written materials must be received by **5:00 pm on December 26, 2012**. If possible, please submit written comments in Word format electronically to jnewman@waterboards.ca.gov. Interested persons should be aware the Regional Board is entitled to settle this matter without further notice, and therefore a timely submittal by this date may be the only opportunity to comment upon the subject of this ACLC. If the hearing proceeds as scheduled, the Hearing Panel will also receive oral comments from any person during the hearing (see below).

VII. HEARING PROCEDURES

Adjudicative proceedings before the Hearing Panel generally will be conducted in the following order:

Opening statement by Hearing Panel Chair
Administration of oath to persons who intend to testify
Prosecution Team presentation
Discharger presentation
Designated parties' presentation (if applicable)
Interested persons' comments
Prosecution Team rebuttal
Questions from Hearing Panel
Deliberations (in open or closed session)
Announcement of recommendation to the Regional Board

While this is a formal administrative proceeding, the Hearing Panel does not generally require the cross examination of witnesses, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom.

Parties will be advised by the Hearing Panel after the receipt of public comments, but prior to the date of the hearing, of the amount of time each party will be allocated for presentations. That decision will be based upon the complexity and the number of issues under consideration, the

extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. The parties should contact the Case Manager by **5:00 pm on January 25, 2013** to state how much time they believe is necessary for their presentations (see Section VI.A above). It is the Regional Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Interested persons may be limited to approximately five (5) minutes each, for their presentations, in the discretion of the Chair, depending on the number of persons wishing to be heard. Persons with similar concerns or opinions are encouraged to choose one representative to speak.

For accuracy of the record, all important testimony should be in writing, and delivered as set forth above. All written materials must be received by the deadlines identified in Section IV.A. and IV.B., above, or it may be excluded from consideration by the Hearing Panel. The Hearing Panel will include in the administrative record written transcriptions of oral testimony or comments made at the hearing.

VIII. COMMUNICATIONS WITH THE HEARING PANEL

A. *Ex Parte* Communications Prohibited.

As an adjudicative proceeding, Regional Board members and their advisors may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice. **Any communications to the Regional Board, Hearing Panel, or Hearing Panel Advisors before the hearing must also be copied to the Prosecution Team and other Party(ies), as identified above.**

B. Hearing Panel Advisors.

The Hearing Panel will be advised before and during the hearing by Ms. Deborah Smith, and Legal Advisors, Ms. Jennifer Fordyce and Ms. Nicole Johnson, Staff Counsels for the Regional Board. Ms. Smith, Ms. Fordyce, nor Ms. Johnson have exercised any authority or discretion over the Prosecution Team, or advised them with respect to this matter.

C. Objections to manner of hearing and resolution of any other issues.

1. Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Case Manager at any time, who will try to accommodate the requests. Agreements between a party and the Prosecution Team will generally be accepted by the Hearing Panel as stipulations.

2. Objections to (a) any procedure to be used or not used during this hearing, (b) any documents or other evidence submitted by the Prosecution Team, or (c) any other matter set forth in this notice, must be submitted in writing and received by the Legal Advisor to the Hearing Panel (identified below) by **5:00 pm on January 25, 2013.**

Nicole Johnson
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
(916) 322-4142
njohnson@waterboards.ca.gov

Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will not be entertained at the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.

3. Any issues outside the scope of those described in Section C.2, above, that cannot be resolved by stipulation shall be brought to the attention of the Legal Advisor to the Hearing Panel, as set forth in Section C.2, by **5:00 pm on January 25, 2013** if possible, and if not possible, then at the earliest possible time with an explanation about why the issue could not have been raised sooner.

IX. QUESTIONS

If you have any questions about this notice, please contact as appropriate, the Case Manager of the Prosecution Team, or the Legal Advisor to the Hearing Panel as described above.

Date: November 26, 2012

Administrative Civil Liability

Fact Sheet

The California Regional Water Quality Control Boards (Regional Water Boards) have the authority to impose administrative civil liabilities for a variety of violations under California Water Code section 13323. This document generally describes the process that the Regional Water Boards follow in imposing administrative civil liabilities.

The first step is the issuance of an administrative civil liability complaint (complaint) by the authorized Regional Water Board's Executive Officer or Assistant Executive Officer. The complaint describes the violations that alleged to have been committed, the Water Code provisions authorizing the imposition of liability, and the evidence that supports the allegations. **Any person who receives a complaint must respond timely as directed, or risk the Regional Water Board imposing the administrative civil liability by default.** The complaint is accompanied by a letter of transmittal, a Waiver Form and a Hearing Procedure. Each document contains important information and deadlines. You should read each document carefully. A person issued a complaint is allowed to represent him or herself. However, legal advice may be desirable to assist in responding to the complaint.

Parties

The parties to a complaint proceeding are the Regional Water Board Prosecution Team and the person/s named in the complaint, referred to as the "Discharger." The Prosecution Team is comprised of Regional Water Board staff and management. Other interested persons may become involved and may become "designated parties." Only designated parties are allowed to submit evidence and participate fully in the proceeding. Other interested persons may play a more limited role in the proceeding and are allowed to submit non-evidentiary policy statements. If the matter proceeds to hearing, the hearing will be held before the full membership of the Regional Water Board (composed of up to nine board members appointed by the Governor) or before a panel of three board members. The board members who will hear the evidence and rule on the matter act as judges. They are assisted by an Advisory Team, which provides advice on technical and legal issues. Both the Prosecution Team and the Advisory Team have their own attorney. Neither the Prosecution Team nor the Discharger or his/her representatives are permitted to communicate with the board members or the Advisory Team about the complaint without the presence or knowledge of the other. This is explained in more detail in the Hearing Procedure.

Complaint Resolution options

Once issued, a complaint can lead to (1) withdrawal of the complaint; (2) withdrawal and reissuance; (3) payment and waiver; (4) settlement; (5) hearing. Each of these options is described below.

Withdrawal: may result if the Discharger provides information to the Prosecution Team that clearly demonstrates that a fundamental error exists in the information set forth in the complaint.

Withdrawal and reissuance: may result if the Prosecution Team becomes aware of information contained in the complaint that can be corrected.

Payment and waiver: may result when the Discharger elects to pay the amount of the complaint rather than to contest it. The Discharger makes a payment for the full amount and the matter is ended, subject to public comment.

Settlement: results when the parties negotiate a resolution of the complaint. A settlement can include such things as a payment schedule, or a partial payment and suspension of the remainder pending implementation by the Discharger of identified activities, such as making improvements beyond those already required that will reduce the likelihood of a further violation or the implementation or funding of a Supplemental Environmental Project (SEP) or a Compliance Project. Qualifying criteria for Compliance Projects and SEPs are contained in the State Water Resources Control Board's (State Water Board) Enforcement Policy, which is available at the State Water Board's website at: http://www.waterboards.ca.gov/plans_policies/. Settlements are generally subject to public notice and comment, and are conditioned upon approval by the Regional Water Board or its authorized staff management. Settlements are typically memorialized by the adoption of an uncontested Administrative Civil Liability Order.

Hearing: if the matter proceeds to hearing, the parties will be allowed time to present evidence and testimony in support of their respective positions. The hearing must be held within 90 days of the issuance of the complaint, unless the Discharger waives that requirement by signing and submitting the Waiver Form included in this package. The hearing will be conducted under rules set forth in the Hearing Procedure. The Prosecution Team has the burden of proving the allegations and must present competent evidence to the Regional Water Board regarding the allegations. Following the Prosecution Team's presentation, the Discharger and other parties are given an opportunity to present evidence, testimony and argument challenging the allegations. The parties may cross-examine each others' witnesses. Interested persons may provide non-evidentiary policy statements, but may generally not submit evidence or testimony. At the end of the presentations by the parties, the board members will deliberate to decide the outcome. The Regional Water Board may issue an order requiring payment of the full amount recommended in the complaint, it may issue an order requiring payment of a reduced amount, it may order the payment of a higher amount, decide not to impose an assessment or it may refer the matter to the Attorney General's Office.

Factors that must be considered by the Regional Water Board

Except for Mandatory Minimum Penalties under Water Code section 13385 (h) and (i), the Regional Water Board is required to consider several factors specified in the Water Code, including nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (Cal. Water Code §§ 13327, 13385(e) & 13399). During the period provided to submit evidence (set forth in the Hearing Procedure) and at the hearing, the Discharger may submit information that it believes supports its position regarding the complaint. If the Discharger intends to present arguments about its ability to pay it must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three years of signed federal income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements;
12. Other debt documentation.

For a business:

1. Copies of last three years of company IRS tax returns, signed and dated,
2. Copies of last three years of company financial audits
3. Copies of last three years of IRS tax returns of business principals, signed and dated.
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three years, specifically:
    - IRS Form 1120 for C Corporations
    - IRS Form 1120 S for S Corporations
    - IRS Form 1065 for partnerships
2. A completed and signed IRS Form 8821. This allows IRS to provide the Regional Water Board with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
    - Audited Financial Statements for last three years;
    - A list of major accounts receivable with names and amounts;
    - A list of major accounts payable with names and amounts;
    - A list of equipment acquisition cost and year purchased;
    - Ownership in other companies and percent of ownership for the last three years;
    - Income from other companies and amounts for the last three years.

For a municipality, county, or district:

1. Type of entity:
    - City/Town/Village;
    - County;
    - Municipality with enterprise fund;
    - Independent or publicly owned utility;
2. The following 1990 and 2000 US Census data:
    - Population;
    - Number of persons age 18 and above;
    - Number of persons age 65 and above;
    - Number of Individual below 125% of poverty level;
    - Median home value;
    - Median household income.
3. Current or most recent estimates of:
    - Population;
    - Median home value;
    - Median household income;
    - Market value of taxable property;
    - Property tax collection rate.
4. Unreserved general fund ending balance;
5. Total principal and interest payments for all governmental funds;
6. Total revenues for all governmental funds;
7. Direct net debt;
8. Overall net debt;

9. General obligation debt rating;
10. General obligation debt level.
11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note that all evidence regarding this case, including financial information, will be made public.

Petitions

If the Regional Water Board issues an order requiring payment, the Discharger may challenge that order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. More information on the petition process is available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml
An order of the State Water Board resolving the petition for review of the Regional Water Board's Administrative Civil Liability Order can be challenged by filing a petition for writ of mandate in the superior court pursuant to Water Code section 13330.

Once an Administrative Civil Liability Order becomes final, the Regional Water Board or State Water Board may seek a judgment of the superior court under Water Code section 13328, if necessary, in order to collect payment of the administrative civil liability amount.