

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2008-0019
)	Mandatory Minimum Penalty
)	for
Natural History Museum of Los Angeles County)	Violation of California Water Code § 13376
George C. Page Museum)	and
Los Angeles, CA 90007)	Order Nos. 97-045 and R4-2003-0111 (NPDES No. CAG994004)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385 (h) and (i) is issued to the Natural History Museum of Los Angeles County (hereinafter Permittee) based on a finding of violation of waste discharge requirements prescribed in Order Nos. 97-045 and R4-2003-0111 (NPDES No. CAG994004, CI No. 6739).

The Chief Deputy Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee operates the Natural History Museum of Los Angeles County, also known as the George C. Page Museum (facility) at the La Brea Tar Pits located at 5801 Wilshire Boulevard, Los Angeles, CA. The Permittee can discharge up to 5,000 gallons per day (gpd) of treated wastewater through Outfall 001 (Latitude 34° 03' 51", Longitude 118° 21' 27") into a nearby storm drain system. The wastewater is susceptible of containing biochemical oxygen demand (BOD₅), methylene blue active substances (MBAS), total petroleum hydrocarbons (TPH), oil & grease (O&G), residual chlorine, copper (Cu), silver (Ag), and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The waste water flows through the storm drain system into Ballona Creek, a navigable water of the United States.
2. From May 12, 1997 to April 30, 2004, the Permittee discharged wastewater from the facility under waste discharge requirements (WDRs) contained in Order No. 97-045 adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) on May 12, 1997.
3. On April 30, 2004, the Executive Officer determined that the waste discharges from the Permittee's facility met the conditions to be enrolled under Board Order No. R4-2003-0111 adopted by the Regional Board on August 7, 2003 and the facility was so enrolled effective April 30, 2004. Board Order No. R4-2003-0111 serves as General NPDES Permit No. CAG994004 (General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Treated Groundwater from Construction and

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Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties).

4. Order No. 97-045 (Part E, pages 7 and Attachment B) includes the following effluent limitations for BOD₅, TSS, pH, oil and grease, settleable solids, and turbidity:

Constituent	Unit of Measure	Discharge Limitations (Daily Maximum)	Discharge Limitations (Monthly Average)
BOD ₅ 20°C	mg/L	30	20
MBAS	mg/L	0.5	--
TPH	µg/L	100	--

mg/L = milligrams/liter; µg/L = micrograms/liter.

5. Order No. R4-2003-0111 (Part E, page 13-16) includes the following effluent limitations for BOD₅, residual chlorine, TSS, oil and grease, turbidity, pH, MBAS and TPH:

Constituent	Unit of Measure	Discharge Limitations (Daily Maximum)	Discharge Limitations (Monthly Average)
BOD ₅ 20°C	mg/L	30	20
Oil & Grease	mg/L	15	10
MBAS	mg/L	0.5	--
Residual Chlorine	mg/L	0.1	--
Ag	µg/L	8.1	4.0
Cu	µg/L	20.8	10.4
TPH	µg/L	100	--

mg/L = milligrams/liter; µg/L = micrograms/liter

6. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.
7. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit quarterly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.
8. Twenty-two (22) violations of Order No. 97-045 and twenty-two (22) violations of Order No. R4-2003-0111 were noted in the Permittee's self-monitoring reports during the periods October 2002 through April 2003, December 2003 through April 2005, and November 2005 through February 2006, respectively. These violations include effluent limit exceedances for BOD₅, MBAS, TPH, O&G, residual chlorine, silver and copper. The violations are identified in Table 1 attached hereto and incorporated herein by reference. Furthermore, the Regional Board received the Permittee's 3rd Quarter 2005 self-monitoring report on February 21, 2006,

a total of 98 days after the due date of November 15, 2005. The Regional Board also received the Permittee's 4th Quarter 2006 self-monitoring report on May 15, 2007, a total of 91 days after the due date of February 15, 2007. The violations are identified in Table 1 attached hereto and incorporated herein by reference.

9. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC § 13385(h)(2) "a serious violation is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants." Furthermore, CWC § 13385.1(a)(1) identifies a failure to file a discharge monitoring report required pursuant to CWC § 13383 for each complete period of 30 days following the deadline for submitting the report as a "serious violation."
10. CWC § 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.
11. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
12. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

13. The Chief Deputy Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$150,000 to include \$132,000 for the effluent violations which occurred during the periods October 2002 through April 2003, December 2003 through April 2005, and November 2005 through February 2006, and \$18,000 for the violations which occurred on December 16, 2005, January 15, 2006, February 21, 2006, March 18, 2007, April 17, 2007, and May 17, 2007. Refer to Table 1 for the calculation of the amount of mandatory minimum penalty.
14. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323. The Permittee will be notified of the date, time and location of the hearing. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, to be received by the

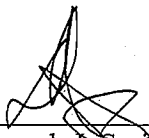
Regional Board by 5:00 pm on June 20, 2008. If the hearing is waived, the following options are available to satisfy the civil liability:

- a. A check in the amount of \$150,000 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver; or
- b. The Permittee may propose to pay up to \$82,500 of the civil liability by contributing to a SEP on the Regional Board's approved SEP List. The approved SEP list is available at the Regional Board's web site at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/enforcement/sep_list.pdf

In the event that the Permittee elects to contribute to a SEP, a check in the amount of \$67,500 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver along with a written statement indicating the SEP chosen and proof of payment of the penalty balance to the SEP shall be submitted to the Regional Board by the close of business on June 20, 2008.

15. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
16. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
17. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Deborah J. Smith
Chief Deputy Executive Officer
Los Angeles Regional Water Quality Control Board

May 22, 2008

WAIVER OF THE RIGHT TO A HEARING

By signing below and returning this Waiver, I hereby waive the right of the Natural History Museum of Los Angeles County to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2008-0019 (Complaint) issued by the Regional Board Chief Deputy Executive Officer. The Natural History Museum of Los Angeles County understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

The Natural History Museum of Los Angeles County elects to pay the civil liability in the following manner [check the relevant box]:

- Enclosed herewith in full payment of the civil liability is a \$150,000 check payable to "State Water Pollution Cleanup and Abatement Account."

Or

- Enclosed herewith are a \$67,500 check payable to "State Water Pollution Cleanup and Abatement Account" and proof of payment of at least \$82,500 to a Supplemental Environmental Project (SEP) listed on the Regional Board's approved SEP list.

The Natural History Museum of Los Angeles County understands that this Waiver gives up the rights to argue against the allegations made by the Chief Deputy Executive Officer in this Complaint and against imposition of, and the amount of, civil liability imposed. The Natural History Museum of Los Angeles County also understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment in full will be due thirty days after the date of the adoption of the Order.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Natural History Museum of Los Angeles County in the making and giving of this Waiver.

The Natural History Museum of Los Angeles County

Date: _____

By: _____
(Signed name)

(Printed or typed name)

Position: _____