

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ACL COMPLAINT NO. 91-056
FOR
ADMINISTRATION CIVIL LIABILITY

IN THE MATTER
OF
CITY OF EL CENTRO - IMPERIAL COUNTY

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of the law for which the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board), may impose civil liability under Section 13385 (a) (1) of the California Water Code.
2. A hearing on this matter will be held before the Regional Board within 60 days of the date of this complaint. The hearing for this matter has been scheduled for the Board's regularly scheduled meeting on November 20, 1991 in the City of Indian Wells at the Indian Wells City Hall at 44950 El Dorado Drive, Indian Wells, CA 92210. You or your representatives will have an opportunity to appear and be heard regarding the allegations in this complaint and the imposition of civil liability by the Board.
3. At the meeting, the Regional 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 recovery of judicial civil liability.
4. You are alleged to have violated Water Code Section 13376, by discharging pollutants to navigable waters of the United States that are within the state's jurisdiction without having filed a report of waste discharge and without having obtained waste discharge requirements adopted by the Regional Board.

*4/24/96
Rescinded*

5. The complaint is based on the following facts:
- a. On August 30/31, 1991, 2.4 million gallons of raw sewage was discharged into the waters of the United States.
 - b. The sewage flowed from a pipe break north and south of the grit unit. Most of the flow coursed south to an east-west ditch that is located 30 feet south of the treatment plant's south fence. From the east-west ditch, flow coursed east to a north-south ditch that parallels La Brucherie Road and coursed north to the Central Drain which connects with the Alamo River approximately 8 miles east of the plant.
 - c. The spill occurred from approximately 5:43 p.m. on August 30, 1991 until 3:30 p.m. on August 31, 1991.
6. The discharge to the Central Drain which flows into the Alamo River has caused a condition of pollution and nuisance.
7. Pursuant to Water Code Section 13385 (c) (1) and (c) (2) persons who violate Water Code Section 13376 are liable civilly.
- A. Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:
- 1) ten thousand dollars (\$10,000) for each day in which the violation occurs; and
 - 2) where there is a discharge, any portion of which is not susceptible to cleanup, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

Based on this formula, the maximum assessment would be twenty four million dollars (\$24,000,000).

8. City of El Centro is hereby given notice that:

The Executive Officer of the Regional Board proposes that Administrative Civil Liability be imposed in the amount of ten thousand dollars (\$10,000) based upon a review of the following factors:

The nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement and with respect to the violator, the ability to continue in business, any voluntary cleanup efforts undertaken, and prior history of violations, the degree of culpability, economic savings, if any resulting from the violations and such matters as justice may require (Water Code Section 13327).

9. In lieu of a hearing, the Discharger may waive the right to hearing. Any waiver will not be effective until 30 days from the date of this complaint to allow opportunity for other interested persons to comment on this action. If you wish to waive the hearing, please check and sign the waiver and return it and the amount of civil liability made out to the State Water Resources Control Board to the Regional Board's office.



PHILIP A. GRUENBERG
Executive Officer

10-1-91

(Date)

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CITY OF EL CENTRO
IMPERIAL COUNTY

[] By checking the box, City of El Centro, agrees to waive their rights to a hearing before the Regional Board and to remit payment for civil liability imposed.

(Signature)

(Title)

(Date)