

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District)	Complaint No. R8-2008-0088 for Mandatory Penalties
2770 Second Street)	
Yucaipa, California 92399)	
)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District (YVWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (h) and (i).
2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless YVWD waives its right to a hearing. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on November 21, 2008 at the Loma Linda City Council Chambers, 25541 Barton Road, Loma Linda. YVWD or its representatives will have an opportunity to appear and be heard and contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda and announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. This complaint is based on the following facts:
 - a. On June 1, 2001, the Board adopted Waste Discharge Requirements Order No. 01-9 (NPDES No. CA0105619), for YVWD. On February 02, 2007, the Board reissued these waste discharge requirements under Order No. R8-2007-0012 (NPDES No. CA0105619). These requirements regulate discharges of waste from the Henry N. Wochholz Municipal Wastewater Treatment Plant (HNWMWTP).
 - b. YVWD submitted self-monitoring reports (July 2006 through November 2007) for the HNWMWTP, which show effluent limit violations of coliform, chlorine residual, TIN, and pH.

These violations are summarized on Attachment "A", which is Page 3 of this complaint.

4. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation that occurs four or more times in any period of six consecutive months, except the requirement to assess the mandatory

minimum penalty shall not be applicable to the first three violations that occur following any six-month, violation-free period, provided that they are not serious violations as described above. A violation is considered to be a "serious violation" if an effluent limitation for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, is exceeded by 20% or more, or if an effluent limitation for a Group I pollutant, as specified in Section 123.45 of Title 40 of the Federal Regulations, is exceeded by 40% or more.

5. As shown in Attachment "A", YVWD incurred a total of sixty nine (69) violations between July 2006 and November 2007. Many of these violations are not serious violations. However, since YVWD incurred more than three violations during the 6-month period prior to July 2006, and there were no 6-month periods between July 2006 and May 2007 when YVWD had fewer than four violations, all of these violations are subject to mandatory penalty assessments. In accordance with Water Code Section 13385 (i), the mandatory minimum penalties for the violations cited in Attachment "A" are \$207,000.
6. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the sixty-nine violations cited in Attachment "A". The maximum administrative civil liability that may be imposed for these violations is \$690,000 (\$10,000 per day of violation), plus an additional assessment of \$10 per gallon of effluent discharged during the duration of the violation episode, in excess of the first 1000 gallons of effluent.
7. The Assistant Executive Officer proposes that mandatory penalties of \$207,000 be imposed on YVWD by the Board for the violations cited above.
8. YVWD has indicated that it wishes to waive its right to a hearing in this matter. YVWD has also agreed to participate in a supplemental project (SEP) that will benefit the Dunlap Urban Stream Project in the City of Yucaipa. The proposed SEP is to contribute \$103,500 of the assessed liability to the Dunlap Urban Streams Project. The balance of the assessment, \$103,500, shall be paid to the State Water Resources Control Board.

If you have any questions regarding this complaint, please contact the undersigned at (951) 782-3286, or Gary D. Stewart, Compliance Section Chief, at (951) 782-4379.

9/17/08
Date

Kurt V. Berchtold
Kurt V. Berchtold
Assistant Executive Officer

ATTACHMENT "A"

Month	Violations					No. of Violations	Violations subject to penalty ¹
	Average Weekly limitations of 2.2 MPN/100 ml	Daily Average >23 MPN	Chlorine Residual	TIN	PH Low: 6.5 High: 8.5		
July, 2006	2		1	1	1	5	5
August, 2006	1			1		2	2
September, 2006	4		2	1		7	7
October, 2006	2		2	1		5	5
November, 2006	3		2	1		6	6
December, 2006	5			1		6	6
January, 2007	4	1		1		6	6
February, 2007	5			1		6	6
March, 2007	5	1		1		7	7
April, 2007	4			1		5	5
May, 2007	3			1		4	4
June, 2007				1		1	1
July, 2007	2			1		3	3
August, 2007				1		1	1
September, 2007				1		1	1
October, 2007	1		1	1		3	3
November, 2007				1		1	1
Total Violations	41	2	8	17	1	69	69

NOTES:

¹ See Water Code Section 13385(i).

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WAIVER OF HEARING

Yucaipa Valley Water District agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2008-0088. YVWD has enclosed a check made payable to the State Water Resources Control Board in the amount of \$103,500 for part of the amount of the proposed liability in Paragraph 7 of Complaint No. R8-2008-0088. YVWD also agrees to participate in a supplemental environmental project (SEP). The balance of the assessment (\$103,500) will be contributed towards the Dunlap Urban Streams Project, and payment will be sent to the Regional Board Office.

YVWD understands that it is giving up its right to be heard and to argue against allegations made by the Assistant Executive Officer in Complaint No. R8-2008-0088, and against the imposition of, and amount of, the mandatory penalties.

Date

for Yucaipa Valley Water District