

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District)	Complaint No. R8-2002-0026
12770 Second Street)	for
Yucaipa, California 92399)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Regional Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385.
2. A hearing concerning this complaint will be held before the Regional Board within 60 days of the date of issuance of this complaint, unless Yucaipa Valley Water District waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on October 25, 2002 in the City of Corona, 815 W. Sixth Street, Corona, CA. The meeting will begin at 9:00 a.m. Yucaipa Valley Water District or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Regional 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 01, 2001, the Regional Board adopted Waste Discharge Requirements Order No. 01-009 (NPDES No. CA0105619), for Yucaipa Valley Water District. These requirements regulate discharges of waste from the District's Henry N. Wochholz Municipal Wastewater Treatment Plant.
 - B.) Yucaipa Valley Water District submitted self-monitoring reports (July, 2001 through June 2002) which show violations of effluent limits for total inorganic nitrogen and turbidity. These violations are summarized on Attachment "A", which is Page 3 of this complaint.

4. Water Code Section 13385 (i)(2) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations if they are considered non-serious, if the discharger exceeds a waste discharge requirement effluent limitation.
5. In accordance with Water Code Section 13385(i), the mandatory minimum penalty for the violations that occurred from July 2001 to June 2002 is \$39,000, which is based on thirteen (13) effluent limit violations at \$3,000 each.
6. In accordance with Water Code Section 13385(c), the Regional Board may impose administrative civil liability for thirteen (13) violations. The maximum administrative civil liability that may be imposed for these violations is \$130,000.
7. The Executive Officer proposes that mandatory minimum penalty of \$39,000 be imposed on Yucaipa Valley Water District by the Board for the violations cited above.
8. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 4 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in Paragraph 7, above. Send the check and waiver to:

California Regional Water Quality Control Board,
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned at (909) 782-3284, Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

Date

/s/
Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Violations included in reports submitted by Yucaipa Valley Water District commencing July 2001 through June 2002.

Month	Violations	No. of Violations	Violations subject to penalty ¹
July, 2001	• Total Inorganic Nitrogen	(1) ²	1
August, 2001	• Total Inorganic Nitrogen	(1)	1
September, 2001	• Total Inorganic Nitrogen	(1)	1
October, 2001	• Total Inorganic Nitrogen	(1)	1
November, 2001	• Total Inorganic Nitrogen	(1)	1
December, 2001	• Total Inorganic Nitrogen	(1)	1
January, 2002	• Total Inorganic Nitrogen	(1)	1
February, 2002	• Turbidity • Total Inorganic Nitrogen	1 (1)	1 1
March, 2002	• Total Inorganic Nitrogen	(1)	1
April, 2002	• Total Inorganic Nitrogen	(1)	1
May, 2002	• Total Inorganic Nitrogen	(1)	1
June, 2002	• Total Inorganic Nitrogen	(1)	1
Total Violations		13	13

¹ See Water Code Section 13385 (i)

² () Indicates a serious violation, as defined in 13385(h)

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF :

Yucaipa Valley Water District)	Complaint No. R8-2002-0026
12770 Second Street)	for
Yucaipa, California 92399)	Mandatory Penalties

WAIVER OF HEARING

The 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. R8-2002-0026. Yucaipa Valley Water District has enclosed a check made payable to the State Water Resources Control Board in the amount of \$39,000 in settlement of Complaint No. R8-2002-0026. Yucaipa Valley Water District understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2002-0026, and against the imposition of, and amount of, the mandatory penalties.

Date

for Yucaipa Valley Water District