

State of California
California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

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| Yucaipa Valley Water District) 12770 Second Street) Yucaipa, California 92399) Attn: Joseph Zoba _____) | Complaint No. R8-2008-0023 for Mandatory Penalties |
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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, Santa Ana Region (Board), must impose mandatory penalties pursuant to California Water Code (Water Code) Sections 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 April 18, 2008 in the City of Loma Linda, 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 announcement for the meeting and the staff report pertaining to this item 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. R8-2001-0009 (NPDES No. CA0105619), for YVWD. These requirements regulated discharges of waste from the Henry N. Wochholz Municipal Wastewater Treatment Plant (HNMMWTP).
 - b. YVWD submitted self-monitoring reports (July 2005 through June 2006) for the HNMMWTP, which show effluent limit violations of coliform, chlorine residual, TIN, pH, and turbidity.

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

4. Water Code Sections 13385 (h) and (i) require 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 forty four (44) violations between July 2005 and June 2006. Many of these violations are not serious violations. However, since YVWD incurred more than three violations during the 6-month period prior to June 2005, and there were no 6-month periods between June 2005 and June 2006 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" is \$132,000.
6. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the forty four violations cited in Attachment "A". The maximum administrative civil liability that may be imposed for these violations is \$440,000 (\$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 1,000 gallons of effluent.
7. The Executive Officer proposes that mandatory penalties of \$132,000 be imposed on YVWD by the Board for the violations cited above.
8. YVWD has indicated that it wishes to wave 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 \$66,000 of the assessed liability to the Dunlap Urban Stream Project. The balance of the assessment (\$66,000) shall be paid to the State Water Resources Control Board.

If you have any questions regarding this complaint, please contact the undersigned, at (951) 782-3284, or Gary D. Stewart, Complaint Section Chief at (951) 782-4379, or Reed Sato, Director of Office of Enforcement with the State Water Resources Control Board, at (916) 341-5889.

3-3-08
Date


Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

| Month | Violations | | | | | | No. of Violations | Violations subject to penalty [†] |
|-------------------------|--|-----------------------|-----------|-------------------|-----------|-----------------------|-------------------|--|
| | Average Weekly limitations of 2.2 MPN/100 ml | Daily Average >23 MPN | Turbidity | Chlorine Residual | TIN | PH Low: 6.5 High: 8.5 | | |
| July, 2005 | 1 | | | | 1 | | 2 | 2 |
| August, 2005 | | | | | 1 | | 1 | 1 |
| September, 2005 | | | | | 1 | | 1 | 1 |
| October, 2005 | | | | | 1 | | 1 | 1 |
| November, 2005 | 1 | | | | 1 | | 2 | 2 |
| December, 2005 | 5 | | | | 1 | | 6 | 6 |
| January, 2006 | 4 | | | | 1 | 1 | 6 | 6 |
| February, 2006 | 4 | | | | 1 | | 5 | 5 |
| March, 2006 | 3 | | 1 | | 1 | | 5 | 6 |
| April, 2006 | 5 | | | | 1 | | 6 | 6 |
| May, 2006 | 3 | | | | 1 | | 4 | 4 |
| June, | 4 | | | | 1 | | 5 | 5 |
| Total Violations | 30 | | 1 | | 12 | 1 | 44 | 44 |

NOTES:

[†] See Water Code Section 13385(i).

State of California
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Santa Ana Region

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|-------------------------------|---|----------------------------|
| IN THE MATTER OF: |) | Complaint No. R8-2008-0023 |
| Yucaipa Valley Water District |) | for |
| 2770 Second Street |) | Mandatory Penalties |
| Yucaipa, California 92399 |) | |
| |) | |
| <u>Attn: Joseph Zoba</u> |) | |

WAIVER OF HEARING

On behalf of Yucaipa Valley Water District, I agree 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. R8-2008-0023. I have enclosed a check made payable to the State Water Resources Control Board in the amount of \$66,000 for part of the amount of the proposed liability in Paragraph 7 of Complaint No. R8-2008-0023. YVWD also agrees to participate in a supplemental environmental project (SEP). The balance of the assessment (\$66,000) will be contributed towards Dunlap Urban Stream Project. I am also enclosing another check made payable to the City of Yucaipa for this SEP.

I understand that I am giving up the right of YVWD to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2008-0023, and against the imposition of, and amount of, the mandatory penalties.

Date

for Yucaipa Valley Water District