

California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:                    )  
Colton/San Bernardino                )  
Regional Tertiary Treatment         )  
And Water Reclamation Authority) )  
300 North "D" Street                 )  
San Bernardino, CA 92402-0001 )

Complaint No. R8-2008-0063  
for  
Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority (Authority) 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) Section 13385 (h) and (i).
2. A hearing concerning this complaint will be held during the Board's regular meeting on September 5, 2008 in the City of Loma Linda, 25541 Barton Road, Loma Linda, CA. unless the Authority waives its right to a hearing. If the hearing is held, the Authority 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 Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. If the September 5, 2008 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
  - a. On December 1, 2006, the Board adopted Waste Discharge Requirements (WDR) Order No. R8-2006-0052 (NPDES No. CA8000304), for Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority. These requirements regulate discharges of waste from the Authority's Rapid Infiltration and Extraction (RIX) facility.
  - b. The Authority submitted self-monitoring reports (July 2007 through October 2007) for the RIX facility, which show effluent limit violations of instantaneous maximum, average weekly, and monthly maximum coliform organism limitations. These violations are summarized on Attachment "A", which is Page 4 of this complaint.

5. 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 violation and/or any 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. 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.
6. As shown in Attachment "A", the Authority incurred a total of eight (8) violations between July 2007 and October 2007. None of these are considered to be serious violations. The Authority did not incur any violations between December 2006 and June 2007. As such, the first three violations that occurred, beginning in July 2007, are not subject to mandatory penalties.
7. In accordance with Water Code Section 13385 (i), the penalty for the five (5) effluent limit violations subject to mandatory minimum penalties cited in Attachment "A" is \$15,000.
8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the five violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is \$50,000 (\$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.
9. The Assistant Executive Officer proposes that a mandatory penalty of \$15,000 be imposed on the Authority by the Board for the violations cited above.
10. The Authority has indicated that it wishes to waive its right to a hearing in this matter. The Authority has also agreed to participate in a supplemental environmental project (SEP) by contributing \$7,500 of the assessed liability to the Investigation of Interferences in Free Cyanide Testing of Wastewater being conducted by California State University of San Bernardino. The balance of the assessment, \$7,500, 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, Chief of the Compliance Section, at (951) 782-4379.

7/2/08

Date

Kurt V. Berchtold

Kurt V. Berchtold  
Assistant Executive Officer

## ATTACHMENT "A"

Month	Violations			No. of Violations	Violations Subject to Penalty <sup>1</sup>
	Average Weekly Coliform Limitation of 2.2 MPN/100 ml	Monthly Maximum Coliform Limitation of 23 MPN/100 ml	Instantaneous Maximum Coliform Limitation of 240 MPN/100 ml		
July, 2007	1	1	1	3	0
August, 2007	1			1	1
September, 2007	2			2	2
October, 2007	2			2	2
Total Violations	6	1	1	8	5

## NOTES:

<sup>1</sup> See Water Code Section 13385 (h) and (i)

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**WAIVER OF HEARING**

Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority 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. R8-2008-0063. The Authority has enclosed a check made payable to the State Water Resources Control Board in the amount of \$7,500 for part of the amount of proposed liability in paragraph 7 of Complaint No. R8-2008-0063. The Authority also agrees to participate in a supplemental environmental project (SEP). The balance of the assessment, \$7,500, will be contributed towards the Investigation of Interferences in Free Cyanide Testing of Wastewater and payment will be sent to the Regional Board Office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for Colton/San Bernardino Regional  
Tertiary Treatment and Water  
Reclamation Authority